

# **Peace Accords as the Basis of Autonomy**

Samir Kumar Das

**2005**

January 2005

Published by:  
Mahanirban Calcutta Research Group  
FE-390, Sector - III, Ground Floor  
Salt Lake City  
Kolkata - 700 106  
India  
Web: <http://www.mcrgh.ac.in>

Printed by:  
Timir Printing Works Pvt. Ltd.  
43, Beniapukur Lane  
Kolkata - 700 014

*This publication is a part of a research and discussion programme on autonomy. The support of the Ford Foundation is kindly acknowledged.*

# Peace Accords as the Basis of Autonomy in India

Samir Kumar Das

Peace accords<sup>1</sup> may be defined as those that are signed between the state and its adversaries involved in some form of discord in an attempt at bringing about ‘peace’ between them. The signing of accords therefore is based on a few presuppositions: (a) Accords are necessarily preceded by discords. But the discords presumably reach a point where the discordant parties feel it expedient—for whatever reasons, to sign them. Charles Tilly makes the point that violence exercised with a view to setting off negotiations is less intense and damaging and more orchestrated and coordinated than violence that is exercised with a different purpose or without any purpose at all. In simple terms, Tilly warns us against the commonplace tendency of viewing accords as the logical culmination of any linear progression and intensification of discords and conflicts. He seems to make a distinction between violence that culminates in accords and one that does not. (b) Accords are meant for bringing about peace between the otherwise discordant parties. As a result, they are necessarily premised on some form of a promise of peace. Whether peace achieved or sought to be achieved through accords is ‘war continued through other means’ or not is an altogether different story. (c) While accords specify the mutual obligations, the parties are called upon to fulfill, they are also expected to provide some form of autonomy that the state evidently grants or promises to grant, as a means of accommodating its adversaries into its legal and political framework. Autonomy provided through the instrumentality of accords is first and foremost an acknowledgement that those who are provided with it were hitherto denied of it. It in short, is how newer players enter into the legal and political framework of the state and are encouraged to observe its rules of the game.

Viewed in this light, our review of peace accords has at least three major limitations: First, it proposes to restrict itself only to those accords in which the state (whether the Government of India or the respective state governments or both) remains as one of the signatories. It obviously does not bring under its purview those accords that are signed between say, the rivaling community leaders (like, the Nagas and the Kukis in the hills of Manipur) in their bid to bring the internecine warfare to an end. The agreement that National Socialist Council of Nagalim (formerly Nagaland)-IM and Kuki National Liberation Front (KNLF) — two then-outlawed<sup>2</sup> insurgent organizations claiming to represent the Nagas and the Kukis respectively have *reportedly* reached in 1993 was evidently effective in ensuring and promoting peace between the two communities particularly in the turbulent hills of Manipur. The agreement among other things underlined the importance of putting up joint resistance and made provisions for demarcation of villages between the two communities. That the state is not involved in the agreement mentioned above – whether as a signatory or as a third party umpiring between two or more discordant

parties, did not in any way reduce its effectiveness in ensuring peace and tranquility between the two rivaling communities in the area. For the purpose of this paper, we propose to locate autonomy as a space that is or is sought to be created and carved out *within* the realm of state's institutions and its practices. This is not to say that autonomous spaces are not created or carved outside the state's realm or for that matter, the spaces thus created and carved necessarily attract the opposition from the state. I have shown elsewhere how the *Jatiya Unnayan Parishad* or 'National Development Council' acting reportedly in close collusion with the United Liberation Front of Asom (ULFA) provided leadership to and involved itself in village development works particularly in the late-1980s by way of mobilizing the rural masses and forcing the rich and wealthy consisting of the local contractors, traders and middlemen who would thrive on commissions and kickbacks from public sector expenditures to pay for them independently of but not necessarily in opposition to the agencies of the state. There is no reason to believe that the government agencies did not know of their works and activities. It is unbelievable that these were conducted without the knowledge of the government. But there is hardly any case of the government agencies ever deciding to crack down on them (Das 1994:83-4). Harnik Deol for example informs us that the rural population in the days of the Punjab crisis in the early 1980s 'sought the intervention of militants to settle disputes, primarily land disputes, and render justice'. The *Khalsa Panchayats* instituted by the militants functioned as 'parallel courts' during the tumultuous days of the Khalistan movement (Deol 2000:114).

Secondly, since we are more concerned with the constitutional and legal provisions of autonomy, we take only the intra-state peace accords signed between the state on the one hand and its adversaries on the other, into account. For our convenience, we propose to define the Indian state in the broadest possible sense to include any of its agencies or any combination of them having the authority of signing and executing the accords and/or carrying out the responsibility of monitoring and implementing them, at times jointly with others. There is always a danger involved in stretching the distinction between intra- and inter-state accords beyond a certain point. Inter-state accords have their implications for intra-state accords and the reverse is also true. The Indira-Mujib agreement reportedly reached between the two Prime Ministers of India and Bangladesh in 1972 was always cited as the reason why the Indian state could not accede to the demands of the student leaders during the Assam movement (1979-1985).<sup>3</sup> The Centre seemed averse to the students' demands for detection, disenfranchisement and deportation of the 'foreigners' who had migrated mainly from erstwhile East Pakistan during 1947-1971 and settled since then in different parts of Assam supposedly on the ground that Smt. Gandhi according to the terms of this little-publicized agreement, had promised to accept their responsibility on India's behalf. A comparison between the intra- and inter-state peace accords – although might have provided us with enormous insights, would definitely be beyond the scope of this study.

Thirdly, the paper restricts mainly to an analysis of the institutions and practices of autonomy as enshrined in the accords. It is interesting to see how varieties of institutions and practices are offered by the accords and how they also read back into the accords signed between otherwise contending parties (Das 2001a). Viewed in this light, it will be difficult – if not impossible, to make any rigid and strict distinction between the provisions offered by the accords and their implementation. Accords fail not because there are failures in implementing them including of course the provisions of autonomy enshrined in them but because such failures in implementation are built in them. Texts of accords are therefore to be seen as relatively vast and open sites where varieties of institutions and practices enact and play themselves out.

### **Autonomy As Difference**

The relation of accords to autonomy has received some — though very sketchy attention: On the one hand, accords are viewed as the means of ‘normalizing’ the adversaries into a nation of fully autonomous and rights-bearing citizens. These are primarily looked upon as the instrumentalities through which the state builds *its* nation, brings in ever-newer ethnicities and bodies of people hitherto lying outside into the orbit of nationhood by way of entitling them to the constitutional and legal provisions of autonomy. Accords for them, prepare the adversaries for entitlement (Dasgupta 1995). These are primarily meant for reducing the initial travails of incorporation.

On the other hand, accords are seen as a means ‘strategically deployed’ alongside force and coercion by the state in order to establish and perpetrate its ‘domination’ over the adversaries. ‘Strategic deployment’ therefore involves an intelligent mix of force and coercion on the one hand and negotiation, consensus building and accords on the other. But essentially both are geared to the same objective of keeping the instability inherent in any asymmetrical and iniquitous social formation within limits and thereby helping in reproducing the status quo (Singh 1999 mimeo). Autonomy promised through accords keeps the existing ‘status quo’ and the essentially asymmetrical distribution of power amongst the various federal units unchanged. Thus a distinction is made between peace, established through accords by disarming the adversaries and autonomy promised but not (meant to be) implemented through accords. Peace accords hence are more *peace* accords than *autonomy* accords. The point is often stretched a step further to argue that what we call, autonomy takes place essentially within a ‘modular form’ in which the main policy demands and the aspirations for rights of the ethnic communities not only remain un-addressed but are transformed into issues of ‘managing conflicts and monitoring peace’ and of governmentality (Samaddar 2004: 159-196). The promise of autonomy is made to accomplish the cessation of hostilities and disarming the militants. Once status quo ante is reestablished and peace is restored, the promise is conveniently forgotten and the accords are allowed to gather dust. Accords become in the words of Samaddar, “those accords” (Samaddar 1999). Accords therefore play a

role in relegating autonomy into governmental technology. Indeed, there is ample evidence in support of such a conclusion. Accords are believed to have failed because of their singular failure in addressing the issue of autonomy independently of their utility as a technology. Thus to cite an example, an investigating team representing as many as eight human rights organizations spread over six states of India visited Jammu and Kashmir in 1995 and its conversations with various cross-sections of people living in the valley as well as in Rajouri and Poonch of Jammu led it to conclude that 'the people there have held the Government of India responsible for having trampled the demand for autonomy within the Indian state' (APDR 1995:12).

Thus, autonomy viewed in these studies oscillates between the twin extremes of existing constitutional and legal provisions and their hitherto unimplemented or often unimplementable promises. By way of confining the autonomy project to the existing structure of constitutional and legal provisions, these studies have not been able to break new grounds on our understanding of autonomy and their albeit complex and uneasy relationship with the already existing Constitutional and legal provisions. Thus the argument that Constitution is a super-ordinate body of laws absolutely untrammelled by and impervious to the demands of autonomy (Omar 2004, mimeo) may have its juridical value; but fails in reading it as a political document. Such a view obviously goes against the genre of writings of those who sensitize us to the continuous process of Constitutional engineering initiated by the Indian state while addressing and responding to the changing political realities in different parts of the country. According to Partha S. Ghosh, "... the process of Constitutional engineering was a necessary requirement for managing the heterogeneity of India" (Ghosh in Iftekaruzzaman ed. 1998:60).

For us on the other hand, the Constitution is neither an absolutely inflexible legal document nor a constantly changing political document that can be and is subjected to any and every conceivable form of experimentation and engineering. While there is always the imperative of changing the Constitution in keeping with changing and albeit hitherto unforeseen political realities – a process better known as Constitutional engineering, it cannot be or for that matter, does not have to be so flexible as to account for and extend its seal of approval on all the changing political realities around the country. The relation of accords to the country's Constitution in that sense is always complex and tenuous and the state can acknowledge it only at its own peril. Not all that the state does in order to facilitate the peace process and gets enumerated in the texts of accords as signed by it is (supposed to be) necessarily referred back to the Constitution and enjoys constitutionality in the strict and rigorous sense of the term. Peace is what also pushes the state to bend but not necessarily, break its norms, in ways not acknowledged publicly by it (Das 2003:10-28). We will have occasion to reflect on this relationship in the concluding section of this paper. Governmentality is the story of how norms are bent and inflected in order to create and provide for spaces of autonomy — albeit selectively, within the body politic as a means of 'managing conflicts and monitoring peace'. It is not predicated on an inevitable denial of autonomy, as some scholars would have us believe. At any given

point of time, it operates through a veritable combination of autonomy and a denial of it. Governmentality therefore is not merely a technology; being a technology it also has its implications for the substantive question of continuously renegotiating the norms and principles embodied in the Constitution and the system of laws while responding to ever-newer and of course, ever-widening demands for autonomy, though there is no denying the fact that such renegotiations are only secondary to governmentality. Governmentality on the one hand implies renegotiation by way of accommodating the newer realities and differences they seek to make in the realm of Constitution and system of laws and on the other addresses the larger question of cushioning off the its violent and disruptive effects on them.

In short, the existing studies shed more light on the nature of the state and how it governs and less on the quality of autonomy guaranteed or sought to be guaranteed by the state. The state as we view it, is not a given datum. It grows and develops through the *government* of autonomy (among other things). These tensions within the state on the question of autonomy are reflected in the very texts of the accords executed between the parties as well as the Constitutional and legal provisions that the state promises to be guided by. The signing of accords is necessitated by the accommodation of these tensions, which we propose to describe as *difference* – albeit with a varying degree of success. We see, accords as attempts of institutionalizing the difference. It is a simple recognition that the contract that is embodied in the constitution and laws of the land is unable to adjust itself to the newly emerging realities and they reflect a certain renegotiation of the terms of our *original* contract without necessarily reading it back into them.

An appreciation of the difference between what we call the ‘original’ contract and its renegotiation in subsequent years draws our attention to the following premises: First, the ‘original’ contract is seldom executed in any explicit and overt manner. The entitlement of the contracting parties to make and execute a contract on their behalf at the time of the making of the Constitution was taken to be too obvious to require any ratification by way of actually signing a treaty or an accord. Thus, when the Sikh leaders demanded some form of ‘reservation’ in order to outweigh their minority status, they were reportedly told by the Advisory Committee of the Constituent Assembly that there was hardly any room for it in a federal polity with a parliamentary democracy based on adult suffrage and Fundamental Rights guaranteed in its Constitution and the Sikhs ‘*in any case* being a highly educated and virile community’ needed no weightage (quoted in Grewal 1994: 183, emphasis mine). In other words, the argument is that since ‘a highly educated and virile community’ like the Sikhs is already a part of the polity, its demand for any right to dictate the terms of incorporation sounds redundant. The Sikh members of the Constituent Assembly as a result refused to sign the draft Constitution to be adopted by the ‘people of India’ on 26 January 1950. Parties that sign the ‘original’ contract are taken to be so natural to it that they do not have in fact to sign it in order to prove their incorporation. Their incorporation is too self-evident to be proven and

demonstrated to others. A nation gets formed around this *core* that consists of the natural parties to the 'original' contract.

India's position in respect of Kashmir's accession may serve as a case by contrast. Indian leaders – particularly Nehru according to Prem Shankar Jha, was committed more to the democratization of Kashmir than its accession to India. For him, release of political detenus including of course Sheikh Abdullah by the Maharaja was a precondition of holding free and fair election in Kashmir. We may recall that Sheikh Abdullah was arrested during the prime ministership of Ramchandra Kak on 20 May 1946. In Jha's words: "Nehru felt reasonably confident that an election would bring the Sheikh to power and that, given his opposition to the creation of Pakistan, his strongly professed secularism, and his personal friendship with Nehru, Abdullah would prefer to join India rather than Pakistan, but was fully prepared to accept his decision if it went the other way" (Jha 2003:39). Sheikh Abdullah vindicated Nehru's 'confidence' when he observed in his inaugural address to the Jammu & Kashmir Constituent Assembly on 5 November 1951:

The real character of a State is revealed in its Constitution. The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India, where the large majority of the population are Hindus (reproduced in Kaul 1999:282).

But, in the same address he also expressed in no uncertain terms his apprehension that there were certain tendencies nevertheless active in India that sought to 'convert her into a religious State' and in that case, the 'interests of Muslims will be jeopardised'. Notwithstanding these apprehensions, India's self-definition as a democratic country was expected to be the natural choice of the Kashmiris, once democratic institutions were established in that state. Nehru in other words, seemed to have felt that the actual process of signing the dotted lines of the Instrument of Accession (that subsequently became the bone of contention between the two countries) would lose its significance once democratic institutions had made their entry into Kashmir and Kashmiris were allowed to make their choice through a free and fair election. The assumption is simple: Democratic reforms would make Kashmir a natural part of India. As our nationalist leaders did not hold Kashmir in the days of the Maharaja as 'democratic', she was required to remain outside the body politic till she would democratize herself by way of introducing the democratic institutions and practices. Kashmir per se therefore was not eligible for being a part of India; she was to be rendered eligible through democratic reforms.

Secondly, the 'original' contract is signed – albeit implicitly, between parties, which do not raise their demands in explicitly ethnic and most importantly, ethnically exclusivist terms. Indeed, the responses of the Indian state or to be more precise, its more illustrious Jurists and Constitutional commentators are informed literally by a

mortal fear from ethnically exclusivist demands. Durgadas Basu – a pioneering commentator on Indian Constitution widely known for his liberal views for example observes:

All this (the Khalistan movement) is anti-federal and looks like prelude to the setting up of an independent *Khalistan*, for, had it been a mere agitation for wresting greater autonomy for the Punjabi-speaking State of Punjab, the Akali leaders should have sought to carry Punjabi-speaking Hindus with them, ... The only conclusion that can be drawn is that it is not a *political* agitation, but a religious crusade (*dharma yudh*) to carve out a semi-independent State for the Sikhs which might lead eventually (at some opportune moment) to a fully independent State of *Khalistan* (Basu1985:13).

It is thus imperative that the demand for autonomy will have to be couched in broad and general terms. Autonomy demands in other words will have to be made in a *language* that keeps communication with the potential minorities within the proposed territorial unit always open. This is evident in the report of the States' Reorganization Commission. This is by no means peculiar to the Indian state. The persistently 'paranoid look' of the nation-states at the demands of self-determination by the smaller ethnic communities and nationalities instead of strengthening the nation-states, has actually led to their erosion by way of adding to their intransigence and drive for even stronger demands (Roy 2003: 47).

Thirdly, parties to the 'original' contract have a distinct genealogy of their own to share among themselves. Notwithstanding, their demands for autonomy, they would never trace their existence to a history independently of that of India or for that matter, that of Indic civilization at large. Wherever an ethnic community has sought to put forth a different genealogy – whether in the case of erstwhile Madras Presidency<sup>4</sup> or in the-then Naga and Mizo Hills, the state felt the necessity of formalizing their incorporation through the signature of accords. The Mizo National Front (MNF) in its 'Declaration of Independence' signed on 28 February 1966 pointed out that before the establishment of the colonial rule, the Mizos were an 'independent nation'. They were a 'distinct nation created and moulded and nurtured by God and nature' and that administration of the chiefs was close to the 'Greek city-state'. They considered the Mizo Union-led merger of Mizo Hills with India as 'act of political immaturity, ignorance and absence of farsightedness'. It also portrayed India as a land of Hindus and Mizoram as land of Christians facing persecution under Hindu hegemony. The case of ULFA is quite interesting in this regard. The insurgency of Assam led by ULFA is usually regarded as the first of its kind, challenging the mainstream Hindu society *from within* itself. Most of its leaders speak Assamese as their mother tongue that has strong Sanskrit-Prakrit (Indo-Aryan) roots and many of them though have ethnic Mongoloid origins have become an integral part of the Assamese peasantry and their ancestors have adopted Hinduism of the Vaishnavite variety as their religion long back in history. Thus it is argued:

The emergence of this movement from the mainstream therefore represents a real crisis in the mainstream concept of Indian nationalism and nation building. Hence, the predictable reaction of the Indian State ... is one of luring the movement back into the mainstream with promises of riches to the returnees on the one hand and crushing the movement out of existence by brute force on the other (Bora in Pakem 1997: 292).

While the two-fold strategy pointed out by Bora had had a differential impact on the tribal and Hindu sections of its leadership, it is interesting to note how ULFA seems to have distanced itself from the mainstream Hindu society as insurgency gathered momentum in Assam. One has to keep in mind that 'most of its leadership was of Muttok origin and belonged to Upper Assam' (Verghese 1997: 57). It is no surprise that as the organization cracked literally down the middle in the wake of several consecutive rounds of army operations since 1991, it was mainly – though not exclusively, the Hindu elements of the leadership that chose to give way. The organization according to some<sup>5</sup>, was not only unable to survive the schism that exists in the Assamese society between the tribals on the one hand and the Varna-Hindu mainstream on the other but gradually *tribalized* itself by way of getting rid of its Hindu elements. We do not have any independent ay of verifying this hypothesis. But there is reason to think that ULFA's newfound tribalism was aimed more at building bridges with other tribal insurgents of Mongoloid origin across the region than at directly striking at its Hindu roots. Its alienation from the so-called Varna-Hindu mainstream is only incidental to the need for entering into a tactical alliance with others. Viewed in this light, while it may not reflect the already existing schism that exists in the Assamese society, it definitely highlights the need for broadening the scope of its tactical alliance with likeminded insurgent organizations.<sup>6</sup> An organization intending to execute an accord either is situated outside the framework of Varna-Hindu mainstream *beyond any doubt* or has to assert its outside nature by way of discarding its traces.

### **The Moments Of Difference**

It is interesting to note how the measure of difference between the nature of autonomy promised in the accords and that enshrined and enumerated in the constitution and other laws of the land is worked out in course of the peace process that sets the making of accords in motion. The point may be appreciated if we keep at least three moments of this difference in mind: *recognition*, *constitution* and *ethnic space*. We have to keep in mind that moments are more to be regarded as particular configurations of forces than neat and chronologically sequenced stages.

#### ***Recognition***

First, there is the moment of *recognition*. That the necessity of signing an accord is felt indicates that the state confers recognition on its adversary as a collective and

ethnic agency, more aptly, an organization that has the authority of representing it. At times, the recognition verges on implicit recognition of separate nationhood. The leadership's initial vacillations on the questions of Kashmir and Nagaland seem to suggest that there was an *implicit* recognition of difference that arguably was amenable to further negotiation probably through some form of a deferred plebiscite or the ascertaining of collective will. The recognition is not always easily forthcoming. The Indian state's early refusal to be involved in any kind of dialogue with the All-Party Hurriyat Conference (APHC) sprang from its hesitation to recognize it as the representative of the Kashmiri people. We know that the representative character of the APHC has always been a bone of contention that has separated them. Morarji Desai – the-then Prime Minister did not have any problem of talking to the Nagas, who also identified them as Indian citizens. But he refused to hold any discussion with Angami Zapu Phizo — whom he described as a 'foreigner' and who also had made the same claim of representing the Nagas as a collectivity for he did not want to be informed about the conditions of Nagas from a 'foreigner' (Das 2001a). While the existing studies attribute this recognition to the enormity of pressures exerted on the state, it will be interesting to see how these acts of recognition bring in their wake a whole hierarchy of ethnic players and agents conferred with varying degree of recognition. In almost every case, what we call recognition in fact, stands for recognition on state's part that the administration of the relevant community cannot be conducted in the way it is, in the rest of the country.

### ***Constitution***

Secondly, there is the moment of *constitution*. We have argued elsewhere how the very act of making peace and signing peace accords effects certain transformations in the composition and nature of the organizations that sign them and also, of those of the communities on whose behalf they are signed (Das 2001a). Two of these transformations are quite evident: One, every peace accord is prefaced by a disarmament clause that makes it imperative on the part of the cadres to surrender and deposit their arms and completely dissociate them from other armed organizations still involved in militancy and rebellions. Art. 18 of the Bodo Accord (1993) for example points out: "ABSU (All-Bodo Students' Union)-BPAC (Bodo Peoples' Action Committee) leaders will take immediate steps to bring overground and deposit all arms, ammunition and explosives in the possession of their own supporters and will cooperate with the administration in bringing overground all Bodo militants along with their own arms and ammunition etc. within one month of the formation of BEC (Bodoland Executive Council). In order to ensure the smooth return to civil life of the cadre and to assist in the quick restoration of peace and normalcy, such surrenders made voluntarily will not attract persecution". Similarly, Art. 4 clause 1 of the Accord signed between the Government of Mizoram and Hmar Peoples' Convention (HPC) on 27 July 1994 declares: "With a view to restoring peace and normalcy in Mizoram, the HPC on their part agree to undertake, withdraw in the agreed time-frame, all necessary steps to end all underground activities, to bring out all underground personnel of the HPC with their arms ammunition and

equipment to ensure their return to civil life. The modalities of bringing out all underground personnel will be worked out. The implementation of the foregoing will be under the supervision of Government of Mizoram”. Article 4, clause 4 reflects on the other hand an undertaking on the part of HPC of ‘not extending any support to NSCN, ULFA (United Liberation Front of Asom) and any other such underground groups by supply of arms or providing protection or any other matter”. Every accord thereby points to albeit, a neatly made distinction between ‘civil life’ and ‘underground’.

Secondly, every accord includes a protection clause that commits the state to work for the protection and preservation of the tradition and culture of the relevant community. But it is interesting to see how the community that is sought to be protected is constituted through the accord. Art. 6 of the Assam Accord (1985) serves as a case in point. While the article provides for such protection, its Bengali, English and Assamese versions – all officially published, were at variance with other. While the English and the Assamese versions called for the ‘protection, preservation and promotion of the cultural, social, linguistic identity and heritage of the Assamese people (*Asomiya raji*)’, the Bengali version – presumably meant for the Bengali-speaking public of Assam and elsewhere, refers to ‘the people of Assam’ (*Asamer janasadharan*) as the beneficiary of the said article. *Asomiya raji* and *Asamer janasadharan* are by no means the same: It is only apparent that the latter is a wider category that includes not only the Assamese(-speaking) people but also many others who do not necessarily speak Assamese as their mother tongue (like, the Bengalis) living in the state. These ambiguities obviously leave room for constitution of a wide variety of ethnic groups and communities. As Asom Gana Parishad (AGP) came to power with the promise of implementing the Accord and the Bodo movement gathered momentum, ‘political hazards of this confusion’ (Baruah 1999:116) began to be felt. We will have occasion to note some of these hazards while discussing the anomalies involved in the creation of ethnic space. Conversely, wherever such constitutive ambiguities are avoided, the ethnic subject gets a chance of being ‘entrenched’. The entrenchment clause is believed to be the key to the apparent success of Mizo accord (1986). Since factionalism within Mizo National Front – that spearheaded Mizo insurgency in the pre-Accord era was reportedly much less and by all accounts, Pu. Laldenga, its chief took his comrades into account almost at every step, it was possible for him to get his organization to accept it although by the time the Accord was signed, MNF has already earned notoriety for having repeatedly backed out from its reported verbal commitments. In the words of C. Nunthara: “The MNF thus remained representative authority of both the underground organization and the overground politics in the peace process” (Nunthara 2002 mimeo). The Mizo peace process was an unusually long haul primarily because such intra-MNF discussions were almost an integral part of Mizo peace process. Secondly, comparatively low level of in-migration is also believed to be responsible for certain homogeneity amongst the Mizos and reduction of what we called, constitutive ambiguities.

### *Ethnic space*

Thirdly, there is the moment of *ethnic space*. Every peace accord tends to work out how the adversarial ethnic community is to be provided with a distinct geopolitical space that it can claim as its 'homeland'. An ethnic community becomes adversarial insofar as its political practice is driven by a concern for homeland. Viewed in this light, an adversarial ethnic community is not simply a minority (like, the Muslims in contemporary India) but an ethnicity that also intends to carve out a distinct geopolitical space for itself where it will no longer be considered and treated as a minority.<sup>7</sup> It seems to be born out of a persisting apprehension that the institutions and practices of democracy in India heavily weigh against the minorities. Minorities in other words hate to be treated as minorities. Since it is only with reference to a pre-demarcated geopolitical space that one community becomes a minority (or not), ethnic minorities almost without any exception pursue the agenda of political and administrative reorganization in a way that will be unlikely to relegate them into minorities. Whether it is a demand for statehood or a demand for the establishment of an autonomous district council or even a demand for the detection, disenfranchisement and deportation of the foreigners/outsideers in a bid to retain the demographic balance in one's favour or any of their combination, the concern for an ethnic space is what puts an ethnic community into some sort of a conflict with the state. If the existing borders have reduced them to a minority status, they seem to turn the same logic of bordered space by its head – by way of demanding the same for themselves where they would not feel constantly threatened as a minority.

But, the desire for bringing the ethnic cousins hitherto divided between distinct states and separate administrative units under a single geo-politically compact and homogeneous entity is not necessarily driven by the fear of having to live as or being reduced to a minority in near future. The Memorandum of Settlement signed between Rajib Gandhi and Sant Harchand Singh Longowal – Prime Minister of India and President of Shiromani Akali Dal respectively on 24 July 1985 is illustrative of this point. Punjab's exclusive claim over the capital city of Chandigarh – shared now with Haryana, does not seem to be issued from any immediate fear of losing the demographic edge being enjoyed now by the Sikhs over other communities living in Punjab. The 18<sup>th</sup> session of All-India Akali Conference held in Ludhiana on 28-29 October 1978 for example, resolved: "Chandigarh originally raised as a Capital for Punjab should be handed over to Punjab." Besides, there were also demands for including certain 'Punjabi-speaking areas' of the contiguous states in Punjab. The working committee of the Shiromani Akali Dal in its meeting held at Sri Anandpur Sahib on 16-7 October 1973 expressed its 'determination to strive by all means to constitute a single administrative unit where the interests of the Sikhs and Sikhism are specifically protected'. All these demands reflect a desire on the part of the Akalis to unify the Sikhs under one single political and administrative unit but not necessarily as a means of tiding over any demographic challenge whatsoever within Punjab. Inclusion of the 'Punjabi-speaking areas' however would have saved the 'Punjabi-speaking' people from the compulsion of having to live as minorities in

other states. Chandigarh interestingly was an altogether different issue. Punjab's exclusive claim over the common capital city is hardly based on any demographic argument. It was more of fulfilling an assurance that the Akalis always have maintained, was made to Punjab at the time of reorganizing the state. Art. 7, clause 1 of the Memorandum of Settlement mentioned above points out among other things: "The Capital Project Area of Chandigarh will go to Punjab." Clause 2 of the same Article however seeks to strike a bargain in this regard. It declares among other things:

It had always been maintained by Smt. Indira Gandhi that when Chandigarh is to go to Punjab some Hindi speaking territories in Punjab will go to Haryana. A Commission will be constituted to determine the specific Hindi speaking areas of Punjab which should go to Haryana in lieu of Chandigarh.

The principle of contiguity and linguistic affinity with a village as a unit will be the basis of such determination. The Commission will be required to give its findings by 31<sup>st</sup> December 1985 and these will be binding on both sides.

Thus it is very clear from the above that Chandigarh's transfer to Punjab was never thought to be a unilateral affair. The Hindi-speaking areas of Punjab territorially and linguistically contiguous to Haryana would have to be transferred to the latter *in lieu of* the award of Chandigarh. Two things stand out of importance in this regard: First, the Memorandum not only speaks of the bargain but states that this is struck at the instance of Smt. Indira Gandhi – the former Prime Minister of India, maintaining that "when Chandigarh is to go to Punjab some Hindi speaking territories in Punjab will go to Haryana." The question of whether Haryana wants these areas to be included in it or not, is simply irrelevant in this connection. It only shows that the wishes of a slain Prime Minister also play a significant role in the reorganization of state boundaries. We do not however know the exact reasons for Smt. Gandhi maintaining such a stand. It could be that she wanted to drive home the point that nothing in our political setup is obtained without paying a price for it. Secondly, it in the same vein shows how it becomes difficult to actually put the terms of bargain into practice. In pursuance of the Memorandum, Mathew Commission was set up for the purpose of determining the territorially and linguistically contiguous Hindi-speaking areas. Although it was well known that a Punjabi-speaking village intercepted between Abohar-Fazilka villages and Haryana, the Commission recommended their transfer to the latter, while many other Hindi-speaking areas lying contiguous to it remained un-demarcated by the Commission. The Commission suggested that another Commission could be instituted to identify the remaining Hindi-speaking areas of this nature. Mathew's successor Venkataramiah ruled that 70,000 acres in total should go to Haryana in lieu of Chandigarh, but was successful in identifying only 45,000 acres as Hindi-speaking areas and recommended that the remaining 25,000 acres 'should somehow be given to Haryana'. This was unacceptable to the Chief Minister Surjit Singh Barnala on the ground that such areas could only be Punjabi-speaking ones. The territorial issue was thus messed up and Chandigarh could not be transferred to Punjab.

The accord signed between All-Tripura Tigers' Force (ATTF) and Government of Tripura on 23 August 1993 also serves as a case in point. The text of the accord provides for neither statehood nor the formation of any autonomous district council (ADC). It only promises inclusion of the tribal-majority villages contiguous to the ADC area in the Tripura Tribal Areas Autonomous District Councils (TTADC), constitution of a Village Police Force under its administrative control, enhancement of representation of the Scheduled Tribe (ST) members in them and introduction of Inner Line Permit in the tribal-inhabited areas. The promises were made only in very broad and albeit vague terms. While the villages to be included were not identified (one remembers the fiasco over the Bodo Accord of 1993), the nature of the administrative control to be exercised over the Village Police Force was far from being spelt out. There was no mention of the exact extent of enhancement of quota of representation of the ST members in the TTADC. Besides, Part 2 of the Accord refers to a host of steps to be taken by the Government of Tripura. These range from restoration of alienated tribal land, setting up of a Cultural Development Centre, improvement of Kok Borok and preservation of historical monuments, resettlement of *jhumias* (slash and burn cultivators), industrial development in the TTADC areas and drinking water facilities to provision for housing and employment to surrendered ATTF personnel. One notes that there is nothing in the list that does not fall under the administrative domain of the state. Unlike the former, powers and functions of the Sinlung Hills Development Council specified in Art. 5 are exclusively of developmental nature. The Art. consists of 7 clauses which taken together empower the Council to make, implement and review development plans from within 'the earmarked fund' relatively independently and in some cases, with the approval of the state Government.

Ethnic space is likely to create a difference in two rather complementary senses: It on the one hand, is expected to consolidate the collective self by way of bringing the divergent sections of the community (like, the Nagas in the northeast and the Kashmiris in the northwest) strewn between divergent political spaces closer together.

The Naga case aptly illustrates how the demand for integration of the Naga-inhabited areas of the northeastern region into a single political and administrative unit is informed by the desire of bringing the divergent Naga groups and communities together and articulating them into a grand pan-Naga solidarity. The NSCN-IM has been demanding a 'sovereign' Naga state comprising an area of 1,20,000 square kilometers. It is in fact seven times more than the present state of Nagaland. It includes Ukhrul, Tamenglong, Senapati and Chandel districts of Manipur, Karbi Anglong, North Cachar Hills, Sivasagar, Jorhat and Golaghat Districts of Assam and Tirap and Changlang districts of Arunachal Pradesh. The demand in simple terms is a tribute to the recognition of centrality of the political in promoting and fostering pan-Naga solidarity. While NSCN-IM is presently engaged in peace talks with the Government of India, a unanimous resolution was passed by the Nagaland Assembly in December 1994 that urged on the Government of India to

integrate all Naga-inhabited areas of Manipur and Arunachal Pradesh with the present state of Nagaland. According to the leading Naga organizations, such a demand for integration of the Naga-inhabited areas under one single and separate/‘sovereign’ unit is based on the argument that although diverse and heterogeneous by nature, the Naga groups and communities of the region have been concentrated since pre-colonial times in a single continuous habitat that was subsequently vivisected by the British as well as the Indian and Burmese (presently Myanmarese) governments into multiple political and administrative units. The policy of dividing Nagas into separate and sometimes sovereign political and administrative units was inspired by the sinister motive of socially and politically fragmenting and weakening them. When Nagas in fact raise the demand for the formation of a single ‘Nagalim’, their demand — if conceded, is expected to correct the ‘wrongs’ historically done to them.

The Naga peace process thus may be regarded as only complementary to what is called the Naga Reconciliation Process. The peace process makes it imperative on the part of the Nagas to consolidate their community and strengthen the bonds of pan-Naga solidarity amongst their diverse groups and communities. Formation of the Naga collective self does not precede the peace process; it precisely gets constituted through it. The necessity of initiating a separate reconciliation process whereby all the diverse Naga villages and communities can come together and bridge their mutual differences was also felt by the insurgent organization presently engaged in peace talks with the Government of India. The text of the statement on the Naga Consultative Meet between NSCN-IM leaders and a 44-member delegation of Naga civil society representatives for example points out:

While welcoming the commitment expressed by the delegation to strengthen the peace process, the NSCN leadership also reciprocated with support to the initiatives taken by the Naga Hoho (the supreme deliberative assembly of Nagas, SKD) and various peoples’ organizations to work out the proper basis for meeting various groups of Naga society on reconciliation. The NSCN Leadership further expressed fullest appreciation of the Naga Peoples Reconciliation Process and strongly urged that it be pursued to facilitate a reconciliation based on the true spirit of national principles for which any alliance with forces detrimental to the growth of the Naga Nationhood should be severed with for meaningful and sustainable reconciliation process to take place to avoid past historical blunders, so that Naga society may emerge renewed for the challenges of growth with other peoples and nations in the modern world (Solomon et al, 2002: 6).

In a multiethnic country like, India, it on the other hand, is expected to create newer ethnic minorities in the proposed ethnic spaces. The fiasco over the Bodo Accord (1993) provides a classic illustration of this point. By all accounts, it was a non-starter. The main problem centred on the question of delineating the territorial jurisdiction of the Bodoland Autonomous Council (BAC). Its jurisdiction was kept vague in the text of the Accord and its precise delineation was left to the state

government. Over and above the 2,570 villages that would come under the BAC jurisdiction on the basis of mutual agreement, the Bodo leaders asked for the incorporation of another 515 villages into it. The Assam Government refused to accede to the demand on the ground that the 'Bodos constitute not more than 2 percent of the total population in these villages'. In order to maintain physical contiguity of these villages with the already agreed-upon BAC jurisdiction, even villages with only 30 percent of Bodo population have been added to the list. Moreover, non-Bodos account for about 25 percent of the total population coming under the jurisdiction of BAC. Two militant organizations – the Bodoland Army and Bodo Liberation Tiger Force refused to recognize the Council and described it as 'a stooge of Dispur'. The Government's apprehension that the Bodo militants would target the villages with substantial non-Bodo population in their bid to cleanse them of ethnic minorities came true in the wake of organized attacks on the ethnic Muslims and *adivasis* (mostly the Santhals) in the proposed Bodoland area. The Sanmilit Janagoshtiya Sangram Samiti (SJSS) serves as the coordinating body of the non-Bodo organizations opposing the institution of the new Bodoland Territorial Council (BTC). Autonomy as difference during this moment is elaborated through the principle of territoriality. While territorial demarcation was at the heart of intense interethnic strife in the proposed Bodoland area, this proved to be stumbling block to the implementation of the Tiwa Accord in Assam signed on 14 June 1995. The Tiwas (Mishings) are aggrieved by the exclusion of certain forest and riverine areas and other villages that as they feel, belong to them. They make a case for replacing the '50 percent' principle by the '33 percent' principle meaning thereby that the areas where they form 33 percent should come under the jurisdiction of the Tiwa Council.

We may refer back to the Naga case. As part of the Naga peace process, Government of India has entered into ceasefire agreements separately with the NSCN-IM and NSCN-K – two of the organizations spearheading the Naga movements in recent years in 1997 and 2001 respectively. The scope of the ceasefire with the former that gets annually renewed since it was in force in 1997 remained limited to the territorial borders of present state of Nagaland. It was only on 18 June 2001 when the ceasefire was given a new lease of life for another year that a source of the Government of India declared in Bangkok its extension "without territorial limits". This actually opened up the Pandora's box in the sense that many of the communities or organizations claiming to represent them viewed it as the first step towards realization of the integration of the Naga-inhabited areas. The All-Manipur United Clubs' Organization (AMUCO) – a social and voluntary organization brought into existence with the sole purpose of safeguarding the territorial integrity of Manipur and the Monitoring Group on Territorial Integrity of Manipur strongly opposed the extension of ceasefire to the territory of Manipur and asked the BJP-led National Democratic Alliance Government at the Centre to retract their stand in the interest of the people. Way back on 6 May 1995, Manipur Assembly too adopted a resolution upholding the territorial integrity of the state. It re-ratified the same resolution on 17 March and 11 July 1997. Six organizations including AMUCO, AMKIL, IPSA, NIPCO and UPF in its declaration known as 'People's declaration to

defend the territorial integrity of Manipur' pointed out that any attempt at alteration of the existing boundary would "necessarily initiate the process of disintegration of the Republic of India duly constituted in 1950". In another development, All-Assam Students' Union (AASU) on 19 June 2001, decided to take up a tough course of action against the Bangkok declaration. The student body threatened to launch a mass movement if the decision of extending the ceasefire to Assam was not withdrawn immediately. All-Nyishi Students' Union held a five-hour *dharna* in Itanagar (Arunachal Pradesh) on 29 June 2001 in protest against the extension of ceasefire beyond Nagaland. Neither the Assamese of Assam nor the Nyishis were under any real threat of losing out their majority status, had integration come into effect. It seems that more than the fear of being turned into a minority in near future, any threat to the demographic edge being thinned out loomed large in protesters' minds. In the face of these protests, the Government of India decided to withdraw the controversial part of the statement and the ceasefire was made effective only in respect of the Indian state of Nagaland.

Viewed thus, it also follows the same logic of the nation-state. While the state logic is bound to create this drive for autonomy, it forces the state logic to remain perpetually fluid and ambivalent. For if it leads one community to carve out an ethnic space for itself, it literally traps many others who are yet to carve out ethnic spaces for themselves into it. What once was a state logic contributing to the creation and formation of ethnic space now begins to work against itself. It unleashes certain forces over which it hardly has any control. The state is pitted as it were, against its own self. Brajendra Kumar Brhama – the-then President of Bodo Sahitya Sabha and a moderate Bodo leader for example, refers to the same paradox. On the one hand, he finds 'justification' in the non-Bodo misgivings about the newly constituted Bodo Territorial Council (2002). In his words: "There is justification in their fear. It is natural to think of what the future holds. Our non-Bodo brethren want to be assured by the Government that no harm will befall them when the Bodo Territorial Council is created." We may mention in this connection that a loose conglomerate of about 18 non-Bodo organizations led by Phani Medhi expressed the fear that once the Council is created for the Bodos, the non-Bodos are likely to be treated as 'second-class citizens' and 'there will be no protection to the non-Bodos living within the BTC'. They according to him are entitled to 'every right and privilege enshrined in the Constitution'. On the other hand, Brahma likened their fears with 'our fears when we started feeling neglected and exploited by the Assamese people. It is the same fear' (Das 2002: 15). The fear is built as it were in the very institutionality of the Indian state.

Besides, such an ethnic space is intended to protect the customary laws ('the Naga way of life' as they have phrased it) and retain ownership over land and resources. These two are only secondary to the principle of territoriality. It is interesting to see how the accords address the critical question of territoriality. The Punjab Accord of 1985 mentioned above may serve as a case in point. We know that the Akali agitation of various hues had actually brought the issue of sharing of inter-

state river waters to a head. Art. 9, clause 1 of the Memorandum first of all establishes the principle that none of the disputing states (Punjab, Haryana and Rajasthan) will get water 'less than what they are using from the Ravi-Beas system as on 1<sup>st</sup> July 1985' – whether for agriculture or for consumption and provides for the institution of a Tribunal for the verification of the quantum of usage by them. The Bhakra-Beas Management Board had provided the figures regarding the usage of water on 1 July 1985, as 9.655 maf for the Punjab, 1.334 maf for Haryana and 4.500 maf for Rajasthan. The total water available was estimated to be 18.28 maf. Only less than 3.00 maf could be distributed between Punjab and Haryana according to the terms of the Memorandum. The Punjab was therefore to get at least 10.00 maf. But it was awarded only 5.00 maf by the Commission, which was less than even the actual usage. Haryana was awarded a much larger share than it actually used: 3.83 maf. The share of Rajasthan remained 8.6 maf.<sup>8</sup>

### **Government Of Autonomy**

In the existing literature on accords, autonomy and peace as we have argued, are seen as two divergent axes of peace accords. While promise of autonomy helps in restoring peace, peace has its own way of deferring autonomy. Militant organizations for example, are unwilling to be trapped in prolonged spell of ceasefire: "... militant/liberation organizations were understandably reluctant to get trapped into prolonged ceasefire without any substantive progress" (Perera 1999: 18). Today however, it is no longer possible to view their relation in dichotomous terms. Peace is not the enemy of autonomy. For us on the other hand, it will be interesting to see how autonomy, peace and government form a triad in the sense that the government by the state today implies renegotiating the terms of original contract by way of *selectively* creating spaces and terrains of autonomy within the body politic. The states all over the world have learnt sometimes at great cost that they cannot operate with the fundamentals that they have promised to adhere to and be guided by in course of their day-to-day operations. Government is not about the fundamentals and principles of building and organizing the state in postcolonial India but about convenience and order. There is reason to believe that the state finds it difficult to continue to uphold and abide by the early doctrine of indivisible sovereignty.

While all this goes on quietly, the state cannot concede in *public*, to ULFA's demand for including the right to national self-determination by way of making a suitable Constitutional amendment. ULFA, it may be noted, sets this as a precondition of holding talks with the Government of India. While ULFA has consistently shunned the idea of holding talks with the Government on this ground (along with a few others), the Nagas engaged themselves in a series of talks with the Government since 1997 notwithstanding their assertion of the 'right to self-determination irrespective of what the Constitution said' (Perera 1999: 16). Unlike NSCN-IM, ULFA has taken a very legalistic stand in this regard. One has to understand that peace process is more than – if at all, a legal and Constitutional

process. It may be true that many of the provisions enshrined in the accords may have their bearings on the Constitution and laws of the land thereby necessitating its change and amendments. But, the Constitution being what Ernest Gellner describes as “Hidden Deity” does not (have to) take all these instances into cognizance. While logical coherence is regarded as an essential juridical virtue, it is according to him ‘inversely related’ to social coherence. What he speaks of “Hidden Deity” is also applicable to the Constitution:

... it had to be a *Hidden* Deity which would set the rules and norms, but be too proud or too distant to interfere in day-to-day management of the world. It had to scorn making exceptions, it had to be distant and orderly, it could not be a kind of head of a bribable and interfering patronage network, which is what High Gods are in many other systems (Gellner 1995:38)

Viewed in this light, the reference to the Constitution in almost every ethnic accord may sound ritualistic. The Bodo Accord (1993) for example, promises “maximum autonomy within the framework of the Constitution”. Similarly, Art. 8 Clause 1 of the Memorandum of Settlement signed Between Rajiv Gandhi, the-then Prime Minister of India and Sant Harchand Singh Longowal, President of the Shiromani Akali Dal states that the Anandpur Sahib resolution that formed the basis of Akali agitation in Punjab in the early 1980s, is “entirely within the framework of the Constitution”.

As a result, the notion of ‘indivisible sovereignty’ has undergone significant transformations in recent years: First, the state today has no difficulties in conducting negotiations with the rebel leaders in foreign countries. Bangkok, Chiangmai, Geneva and Amsterdam have already become favourite destinations of talks held between the rebel leaders and the Government of India. In most cases, these talks are held in complete confidence and with very little media coverage, if at all.

Secondly, the state too feels that the government depends on the success of accords and not their failures. Success of accords in its turn depends not so much on handling the demands of autonomy from within the given federal structure but on some adventurous experimentation with our institutions. The debate has already begun. In other words, efforts are being made to break free from the institutional paradox in which consolidation of a particular ethnic community within a geopolitical space necessarily creates its minorities. The vicious circle in which a minority becomes a majority by way of getting the borders redrawn and thereby creates its own minority and the circle continues to roll with nauseating regularity is inherent in our established federal setup. Attempts are now being made to explore into the newer institutional alternatives.

We may refer to at least three interesting strands of this debate. These are not necessarily mutually exclusive: First of all, reform-minded scholars and activists like, B. K. Roy Burman for example, recommend a Scandinavian SAMI-like multi-layered parliamentary system in which ethnic communities will have the right to represent

themselves instead of being bound by the majoritarian commands of our existing parliamentary system. Secondly, we may refer to the argument of those who point out that the ‘first-come-first-served’ electoral system in which the minorities dispersed over a large space are constantly under the subjection of the numerical and therefore political majority is incompatible with the pluralistic nature of our society. As Jayaprakash Narayan observes: “Large, but scattered social groups are always under represented. The consequent marginalisation of large segments of public opinion in a plural society has evidently led to ghettoisation of numerically important groups like minorities and dalits” (Narayan 2003:38). Even reservation of seats for them will not according to him help the situation. He makes an advocacy for introducing proportional representation as a means of protecting these groups from majority rule and retaining their autonomy. Thirdly, there has also been a case for widening the consociational base of our democratic system. Lijphart for example shows how the basic preconditions of a consociational (power sharing) democracy were met during the first few decades of our Independence and how the base has been weakened as a combined result of ‘centralization of the Congress Party and the federal system’ in the 1980s and growing ‘attack on minority rights’ in different parts of India. He in fact pleads for resuscitating the institutions and practices of consociational democracy that protected India reasonably well in the first few decades against inter-group violence and communal riots (Lijphart 1996:).

Thirdly, governmentality today does not necessarily exclude the people and civil society as it once did. The Shillong Accord (1975) for example, coincided with some of the worst repressive measures that sent the Naga civil society underground. For one thing, a national emergency was declared immediately after the Accord was signed. In the words of Luingam Luithui and Meredith Preston, “there was no political space to function under such circumstances” (Luithui & Preston 1999:4). For another, there were reported attempts at rallying the Naga civil society behind the Accord leaders in order to get it to ‘rubberstamp’ the Accord. The Government was wrong according to Luithui and Preston in mistaking the Accord leaders as the Naga civil society.

Nowhere in the northeast is the civil society so much vigilant as it is in Nagaland. And it will not be an exaggeration to say that the civil society vigilantism is part and parcel of the Naga peace process. It is interesting to see that peace process in today’s India is an unusually long haul. It means that there is an eagerness on the part of both parties to let the civil society grow and develop and civil society is seen as the guarantee for enduring peace and autonomy.

It is to be noted that a civil society that is driven by the community’s concern for autonomy can seldom create a civil space. While civil societies amongst both the Nagas whether of Nagaland or of Manipur and Meitheis of Manipur are unusually strong and vibrant, there is little or hardly any interaction between them. In the turbulent days of June 2001, very strongly worded statements were exchanged between both sides, which resulted in the burning of bridges between them. A

Convention represented by United Naga Council, Manipur, Naga People's Movement for Human Rights (Manipur Sector), Naga Women's Union, Manipur, All-Naga Students' Union, Manipur and Naga People's Convention held in Senapati on 28 June 2001, for example noted with concern 'the belligerent and confrontationist approach of the Meitei (sic) community towards the extension of ceasefire in the Naga areas outside the present Nagaland state including Manipur' and 'concluded that the well articulated agenda for the territorial integrity of Manipur by the Meitei community is a move to deny the rights of the Naga people'. It seems that neither of them is in a mood to engage in any civic interaction in order to reconcile the conflicting rights claims. It has to be noted that in very years some initiatives have been adopted particularly by some women's organizations to build bridges between the two communities. Civil societies in the northeast are met with a curious irony: Wherever they have refused to 'rubberstamp' the state-crafted (non-)accords<sup>9</sup> and act as stooges of the state, they have turned into one of its parties.

Governmentality in that sense also engulfs the civil society. While drawing a distinction between the old and new forms of power, Dean shows how the emergence of new 'disciplinary' power regards 'the subjects, the forces and capacities as living individuals, as members of a population, as resources to be fostered, to be used and to be optimized'. If peace and autonomy are how we can harness, foster and optimize our resources, present-day peace accords may be cited as only one of their illustrations.

## Notes

<sup>1</sup> Unless otherwise indicated, I have depended on Datta (1995) for the texts of the accords cited in this paper.

<sup>2</sup> Although the ban on the NSCN-IM has subsequently been lifted and the Government of India is currently involved in a process of intense negotiation with it, the ban continues to be in force in relation to KNLF.

<sup>3</sup> Very recently Jairam Ramesh (2004) made the plea for investing states of the Indian Union with the power of independently signing agreements and entering treaties with foreign countries. What is considered as 'good' for the constituent state often becomes unacceptable to the Government of India due to its 'national compulsions'. While India is 'a mythical idea', he argues that the states like 'Bihar or Assam are a reality'. Thus it will be perfectly in the fitness of things if Bihar or Uttar Pradesh (UP) wants to sign any river water-sharing treaty with such upper riparian states as, Nepal and Bhutan as a step towards controlling devastating annual floods in the region.

<sup>4</sup> According to M. S. S. Pandian, "... linguistic states here (in the South) were not a gift of the Union Government, but were a result of prolonged popular struggle and great sacrifice by common people in the hands of police and army" (quoted in P. S. Datta 1995:31).

<sup>5</sup> I am thankful to Devabrat Sarma for having brought this to my attention.

<sup>6</sup> For an understanding of the tribal turn of ULFA, see Das (2001:48-69)

<sup>7</sup> This is not to say that the demand for a separate and at times 'sovereign' geopolitical space did not ever emanate from any section of the Muslims in postcolonial India. The examples of

proposed ‘*Swatantra Muslimsthan*’ (separate land for the Muslims) and ‘United States of Bengal’ consisting of the bordering districts of West Bengal and Assam in India on the one hand and parts of Bangladesh on the other obviously come to our mind. While these proposals are primarily meant for protecting the interests of Bengali-speaking Muslims living in the bordering areas under the perceived threat of being marginalized by both Muslims and non-Muslims of the respective mainlands of these two countries, neither of these spaces is supposed to provide a refuge for *all* Muslims or for that matter, all marginalized Muslims all over the two countries. Their identity as borderlanders sharing a common Bengali language seems to prevail over that as Muslims per se.

<sup>8</sup> The figures are adopted from Grewal (1994:234).

<sup>9</sup> Subir Bhaumik for example, describes the Shillong Accord (1975) as ‘the accord that never was’.

## References

[All translations from all non-English sources are mine. SKD]

1. APDR (Association for the Protection of Democratic Rights), Behala Branch: *Kashmir* (in Bengali), a brief investigative report of eight human rights organizations of six states. Kolkata: APDR, Behala Branch.
2. Baruah, Sanjib (1999): *India against Itself: Assam and the Politics of Nationality*. New Delhi: Oxford University Press.
3. Basu, Durga Das (1985): *Constitutional Aspects of Sikh separatism*. New Delhi: Prentice-Hall of India Pvt. Ltd.
4. Bora, Dhruva Jyoti Borah (2007): “Insurgency in the mainstream: A study of Assam” in B. Pakem (ed.), *Insurgency in North-East India*. New Delhi: Omsons.
5. Das, Krishna (2002): ‘Bodoland impasse far from over’, *North-East Sun*, 15-31 March.
6. Das, Samir Kumar (1994): *ULFA: A Political Analysis*. New Delhi: Ajanta.
7. Das, Samir Kumar (2001a): “Nobody’s Communiqué: Ethnic Accords in Northeastern India” in Ranabir Samaddar & Helmut Reifeld (eds.), *Peace As Process: Reconciliation and Conflict Resolution in South Asia*. New Delhi: Manohar, 2001/New Delhi: Konrad Adenauer Foundation.
8. Das, Samir Kumar (2001b): “Modernity, Self and the Question of Rights: The Case of Assam in the 1990s”, *Rabindra Bharati Journal of Political Science*, 4, 2001.
9. Das, Samir Kumar (2003): *Ethnicity, State and Nation: Essays on Northeastern India*. New Delhi: South Asian.
10. Dasgupta, Jyotirindra (1995): “Developmental federalism: India’s evolving institutional enterprise” (mimeo)
11. Datta, P. S. Datta ed. (1995): *Ethnic Peace Accords in India*. New Delhi: Vikas.
12. Deol, Harnik (2000): *Religion and Nationalism in India: The Case of Punjab*. London: Routledge.
13. Gellner, Ernest, *Anthropology and Politics: Revolutions in the Sacred Grove*. Oxford: Blackwell.
14. Ghosh, Partha S. (1998): “Ethnic conflict and conflict management: The Indian case” in Ifetkaruzzaman (ed.), *Ethnicity and Constitutional Reform in South Asia*. Colombo: Regional Centre for Ethnic Studies/New Delhi: Manohar.
15. Grewal, J. S. (1994): *The Sikhs of the Punjab*. Cambridge: Cambridge University Press.
16. Kaul, R. N. (1999): *The wail of Kashmir: In quest of peace*. New Delhi: Sterling.

17. Lijphart, Arend (1996): "The puzzle of Indian Democracy: A consociational interpretation", *American Political Science Review*, 90 (2), June.
18. Luithui, Luingam & Meredith Preston (1999): "The politics of peace in Nagaland today" (mimeo).
19. Narayan, Jayaprakash (2003): "Early barriers in politics: Time for change", *Liberal Times*, XI (4), 2003.
20. Nunthara, C (2002): "Peace accords as instruments of conflict transformation: Arrangements that work and arrangement that do not" (mimeo)
21. Omar, Imtiaz (2004): "Constitutionalism in India, Bangladesh and Pakistan", lecture delivered to the Department of Political Science, University of Calcutta on 8 September.
22. Perera, Jehan (1999): *Peace Process in Nagaland and Chittagong Hill Tracts: An Audit Report*. Kathmandu: South Asia Forum for Human Rights.
23. Ramesh, Jairam (2004): "Towards a new Asia: Transnationalism and northeast India", keynote address to the CENISEAS forum organized by Centre for Northeast India, South and Southeast Asia Studies (CENISEAS), Guwahati on 10-11 September.
24. Roy, Devasish (2003): "The discordant accord: Challenges towards the implementation of the Chittagong Hill Tracts Accord of 1997", *The Journal of Social Studies* (Dhaka), 100, April-June.
25. Samaddar, Ranabir (1999): *Those Accords: A Bunch of Documents*. Kathmandu: South Asia Forum for Human Rights.
26. Samaddar, Ranabir (2004): *The Politics of Dialogue: Living under the Geopolitical Histories of War and Peace*. Aldershot: Ashgate.
27. Singh, Kumar Sanjay (1999): "Naga accords: An instance of domination through negotiation" (mimeo)
28. Solomon, Dili et al (2002): 'Naga consultation meet, Bangkok', *North-East Sun*, 15-28 February.
29. Verghese, B. G. (1997): *India's Northeast Resurgent: Ethnicity, Insurgency, Governance, Development*. New Delhi: Konark.