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Asymmetric federalism and self-determination movements: A comparative case study of Assam and Manipur

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Abstract

This article explores the use of asymmetric autonomies as territorial management strategy to accommodate questions of self-determination in multi-ethnic societies like India. It examines the institutional arrangements in Northeast India, presenting a comparative study of Assam and Manipur. The Indian Constitution's provisions granting different levels of autonomy to tribal groups are analyzed. Despite the relative success of territorial management in promoting self-governance and accommodating sub regionalism, challenges persist, particularly in balancing ethnic identity and territorial claims. In an attempt to present a nuanced understanding of asymmetric autonomies, Bodoland Territorial Council (BTC) and Manipur Hill areas are studied to understand the divergent nature of territorial management in addressing ethnic self-rule demands. In addition, the paper seeks to understand how different levels of autonomies have created varied political outcomes, in the case of Autonomous District Councils (ADCs) in Northeast India, highlighting the complexities and effectiveness of asymmetric federalism.

Keywords: India, Northeast, asymmetric federalism, territorial management, self-determination

Introduction

The usage of territorial management strategies to manage and accommodate ethnic groups is consistent with most multiethnic societies. These strategies can be given an umbrella term of 'asymmetric autonomies'. The nature of institutional arrangements is mostly dependent on negotiations and compromises from all the stakeholders' i.e. federal/state and sub-state parties. For example since 1979, the Basques, Catalans and Galicians in Spain have enjoyed larger autonomy, but there have been demands from other provinces for similar arrangements (Hausing 2021) ^[36]. These autonomous arrangements are a blend of integration and accommodation strategies to recognize territorially mobilized ethnic groups.

India's federal institutions offer a similar variety of asymmetric autonomy, which have been effective instruments of accommodating ethnic diversity that would otherwise have been difficult to manage. While territorial claims have been the driving force for creation of new states, not all territories are equally resource rich. Nonetheless, various tribes, sub tribes and other ethnic groups have consistently sought self-governance of their territories. The Indian experience in the North East, demonstrates that asymmetric models in sub state level can resolve ethnic conflicts, though with varied political outcomes. These arrangements often provide former militants and insurgents the opportunity to transition from being rebels to political stakeholders in the system (Mitra and Singh 2009) ^[41]. Asymmetric federalism involves addressing issues of identity, contested territory and competing self-determination within a specific area. While understanding identity can be easier, the intermixing of territory and identity can be challenging, particularly when it involves tribes who are not restricted to a specific territory. The success of Indian federalism in managing conflicts of ethnic nature within mainland India is a solid reminder of the usage of an asymmetric institutional model of governance. No State in India has a mono-ethnic societal structure. India's North East, which contains the most number of asymmetrical federal institutions, is an example of a multi-ethnic mosaic.

Despite the limited success of Indian federal system in accommodating ethnicity and self-determination claims, the political outcomes in some cases have been different. For this reason, determining the optimal level of territorial management in states with a history of self-determination claims remains problematic. For example, in the case of North East, the federal experiment has had limited success, precisely because of the precariousness in the relation between tribal ethnicity and territorial demands (Hausing 2021) ^[36]. Accommodation of one ethnic group, invariably creates an ethnic other giving rise to more demands of ethnic accommodation.

The Indian Constitution includes special provision under Schedule Five to Seven, to accommodate self-governance for various tribal groups across the country. These measures aim to accommodate sub regionalism within the larger region. However the provisions in the Fifth and Seventh Schedule are not as evolved as for the tribal groups as mentioned in the Sixth Schedule. The provisions of the Sixth Schedule (Article 244 (2) and Article 275 (1)) address the question of tribal autonomy in Assam, Meghalaya, Tripura and Mizoram by granting them the right to create autonomous districts (Basu 1991) ^[8]. Although these areas remain under the state's executive authority, the district councils are supposed to exercise certain specific legislative, executive, and judicial functions. Elected members serve a term of five years unless the council is dissolved by the Governor. The Councils have legislative powers like forest management, property inheritance, marriage and social customs. Judicial powers both civil and criminal along with authority to assess and collect land revenues are also given to these Autonomous District Councils (ADC). These autonomous provisions were designed in order to accommodate sub regional aspirations of the tribal people. Besides the Sixth Schedule, the Fifth Schedule of Indian Constitution under Article 244(1) allows for the creation of "Tribal Advisory Council" to protect culture and traditions of tribes and their welfare, for those who are not covered under the Sixth Schedule. In the case of Manipur, the hill areas did not fall under either category. Haokip (2016) ^[29] argues that "to address the self-determination aspirations of the hill tribes of Manipur, six Autonomous District Councils (ADCs) were created under the Manipur (Hill Areas) Autonomous District Councils Act of 1971". Till the present time, there have been consistent demands from the Manipur hill tribes to get a higher form of autonomy as granted within Sixth Schedule States. This paper seeks to analyze the divergent nature of these autonomous arrangements and study the political outcomes associated with it.

Specifically this paper addresses two pertinent research questions: How asymmetric forms of federal arrangements evolved in the context of Assam and Manipur? What has been the divergent and convergent political outcome of different forms of autonomous arrangements in two disparate case studies of Assam and Manipur?

The primary argument of this paper remains that exceptional cases of asymmetric arrangements have a tendency of generating more demands for similar exceptional cases from other ethnic minorities who feel neglected in the process. With these two cases, this paper seeks to argue that larger autonomy though can stop violence between competing groups, but lack of proper power sharing structures within the asymmetrical models of autonomy, will invariably create grounds of ethnic competition.

The paper is organized as follows: The following section provides a brief introduction of the linkage between asymmetric federalism and self-determination movements. The final sections provide two detailed case studies, followed by concluding remarks.

Asymmetric federalism and self-determination

The asymmetric variation of federalism is often a response to the varied issues of accommodating ethnic identity and versions of self-determination movements. Dufflon (2007) ^[24] argues that "the post-World War II era, was a defining time period where the idea of giving institutional space to identity within a federal polity was becoming a reality with the Swiss model". Anderson (1991) ^[2] argued that "the post-colonial states assimilating multiple identities within their federal structure will not be a hindrance, but can be an opportunity". He went on to claim that "Federalism could be the only option to accommodate both territorial and non-territorial differences". The question of recognition of the identity rights of the minority have been the centre of the liberal debate since 1980's. Fraser (1995) while identifying approaches of politics of recognition talked about "two versions of it: affirmative and transformative. While the former spoke about affirmative action to push mainstream multiculturalism, the latter focused on the need of redistribution of resources and income". Federalism, as a study, has often been associated with this politics of recognition and maintenance of ethnic identity. The global acceptability of it, as a tool of accommodation of diversity goes beyond its limitations. Smith (2001) ^[53] while arguing about Russian federation argued "that sustainability of such a model remains loose, in the absence of constitutionally granted territorial rights and appropriate institutional arrangements". The existing literature on federalism indicates that it serves as a crucial political tool for maintaining both national unity and autonomy, thereby protecting diversity within a multicultural state. Thus, for extremely complex multicultural societies, federal devices become unavoidable. However, if these devices are not designed and negotiated properly, the result could be as risky as secession and eventual disintegration. Some nearby examples to India could be the birth of Bangladesh in 1971. However, recent literature on comparative federalism has recognized the link between questions of identity and federalism, mostly in the ethno-national context. Departing from the monistic understanding of federalism, towards a pluralistic conception, it was argued that modernization in the last century would subsume ethno-national identities and build one identity of a nation-state. But the traditional markers of identity remain rather reinforced with growing complexity in the idea of a multinational federation (Rudolph and Rudolph 2008) ^[45].

As societal and cultural diversity becomes increasingly complex, the minimalist notion of "self-rule" within multi-tiered federal structures can be problematic. The assertion that in accommodating diversity, one dominant ethnic identity would be empowered at the cost of others remains a possibility. Thus rather than positing the idea of self-rule, shared rule has been a comfortable idea where micro identities do not fall under majoritarian forces.

Wolf (2011) ^[57] while working on ethno-national conflict management had argued that "institutional bargain are mostly creation of macro level structures, through which a dispute among groups can be addressed without recurrence

of violence". But finding the right formula of the institutional design creates the central thesis in conflict resolution literature. While mentioning the dimensions of institutional design, Wolf (2011) ^[57] highlights three different areas in which institutions can make an impact in conflict management:

Wolf (2011) ^[57] stated "State construction mostly on territorial lines, presence of compositions and powers of executive, legislative and judicial branches of the government and relations between them; and lastly rights of the individual citizens and groups i.e. to what extent individual or groups are privileged".

In this context, Wolf (2011) ^[57] goes on to argue that "the mostly challenging issue of this institutional design is the territorial organization of the state. And more often than not, the relationship between individual, groups and the state ends up creating an institutional design which privileges particular groups creating the premise of asymmetricism in their institutional structures".

The idea of "asymmetry" is not antithetical to the idea of political equilibrium which is the basic objective of a federal model, but is in fact supplementary to that idea. In theoretical literature, this subject has been elaborated by Tarlton (1965), and Agranoff (1999) ^[55, 1] while discussing the premise of asymmetric federalism. The way asymmetric federalism can be defined is complex and require multiple levels of institutional arrangements in order to create suitable power sharing models in order to qualify as an asymmetric arrangement. This often gets out of control, where self-rule by design empowers on dominant ethnic identity, while creating exclusionary politics of the other. In order to avoid such majoritarianism, self-rule needs to reflect a flavour of shared rule, where micro minorities are protected within the power sharing model, and the system is not hegemonic by the dominant groups. In this context, Agranoff (1999) ^[1] puts forward a wholesome definition of asymmetric federalism, referring to it as "an institutional arrangements for different statuses and rights of the units of the federation premised on the political recognition of diversity while deflecting the secessionist potential of certain forces".

Watts (1999) ^[58] has largely argued that all federations contain some element of asymmetricism. He uses the example of United States, where 'peripheral units' exist along with de facto federacies which are for Native American Nations. In yet another example, he presents the example of Russia stating that the 89 constituent units of Russia are by far the 'most complex' de facto asymmetrical units of the world. In this context Watts (2008) ^[59] had distinguished between political asymmetry and constitutional asymmetry. While the former is a function of social, cultural and political factors, the latter deal with legal legitimacy given to federations and sub-national units existing within federations.

The Indian example can be understood as a function of both these forms of asymmetry. India's northeast in particular, has a range of example where asymmetric arrangements have been institutionalized to address self-determination claims which range from outright secessionists demands to internal autonomy.

The uniqueness of North East of India, as a region, has been its resistance to get managed by territorial institutional strategies. Apart from examples like Himachal Pradesh, most states in the North East have asymmetric sub State

federal structures, which are considered by Bhattacharya (2016) ^[11] as an example of "asymmetry within asymmetry". While territorial strategies like statehood worked for other ethnic radical movements like in the case of Tamil, Marathas, Gujaratis and Sikhs, India's Northeast still remains comparatively unstable with these models of ethno-national accommodation (Rao and Singh 2004; Sarangi and Pai 2020) ^[44, 50].

During the colonial period, the region comprised four territorial units: Undivided Assam, North Eastern Frontier Area, two princely kingdoms (Manipur and Tripura) and Sikkim: which was a British protectorate (Dena 2008) ^[22]. The region was divided into Hill districts and plain areas. The Hill districts were excluded, in order to make them inaccessible to outsiders. After India's independence, Nagas who were one of the most dominant tribes, rebelled against the Indian State and declared independence. After a long period of ethnic radicalism, the rebellion settled down with a separate state in 1963 with special rights. But this gave a synonymous attribution to the North East as a region of insurgency, which dominated its discourse. However, it remains quite certain that many territorial arrangements in the North East have been unsuccessful, and rather has given rise to recurrence of violence in the region (Saxena 2012) ^[51]. This gives rise to a growing thesis in the field of territorial management i.e territorial settlements give rise to demands of more territorial settlements. Bhattacharya (2023), in his recent work presents a diverse range of elite interviews to substantiate this argument that "major ethnic communities in Assam are demanding statehood-Boros, Rabhas, Mishing, Rajbansi. And this remains consistent with relatively peaceful regions like Arunachal Pradesh, where respondents from Khasi-Jaintia communities have expressed their desire for separate statehood in the region". Hence, it can be concluded that demands of statehood on the basis of ethno-national cleavages are a reality in the region. However, it becomes rather unclear as to what could be the possible variables which affect the working of territorial arrangements in the region in such a divergent manner. While some states like Mizoram, are considered to be a successful example of ethnic accommodation, the recent ethnic strife in Manipur and recurrence of insurgencies in Bodoland of Assam, requires a closer look at their asymmetric federal structures with much more nuance and in a comparative strive.

Largely, the previous studies on autonomy demands and conflict resolution in Northeast India can be divided into two groups. The first group of scholars, have focused on single case studies, which are intensive in developing broader theoretical frameworks such as Baruah (1999, 2003, 2005, 2020), Dasgupta (1997) ^[21], Mahanta (2013) ^[39], Samaddar (2005) ^[49]. The second group of scholars like Hassan (2008) ^[5, 6, 7, 8, 32] has presented rare comparative case studies, to study divergent outcomes in North East. This paper is an extension of the later, where the central research question is to understand under what conditions divergent asymmetric models of autonomy have been granted to negotiate and accommodate territorial demands of tribal self-rule.

A comparative study of Assam and Manipur

For making the study more nuanced, this paper uses two case studies: Assam and Manipur. Within Assam, Bodoland Territorial Council is studied to understand its high level of decentralization and Manipur Hill Districts on the other hand, which can be considered as a lesser form of an

autonomous arrangement.

Case 1: The Bodo movement and its call for a separate Bodoland remains one of the most consistent movements in Assam. The unique thing about the Bodo movement has been its evolution in its nature and its changing demands at each stage of the conflict (Behera 2017) ^[10]. Bodos are a major “ethnic minority living in the states of Assam, Nagaland, Tripura, Meghalaya and Arunachal Pradesh” (Mahanta 2013) ^[39]. Majority of them, live in Assam where they are the majority tribe with population exceeding 30% of the total tribal population. At present, Bodos in Assam “reside in four districts of Assam: Bodoland Territorial Autonomous District which covers Kokrajhar, Dhubri, Bongaigaon, Barpeta, Nalbari, Kamrup, Darang and Sonitpur” (Behera 2017) ^[10].

The Bodo movement traces its roots to the colonial era, with a unified territorial demand emerging around the 1930s (Bhaumik 1999) ^[17]. Goswami (2011) ^[27] argues that “formation of Nagaland as a successful homeland autonomy, was a major factor that catapulted the Bodos to form a political demand to ignite the movement forward”. The creation of the Plains Tribal Council of Assam (PTCA) and its role in the Udayachal movement, created the initial preconditions of Bodos feeling alienated from the political discourse and feeling the need to concretize their demands and assertions with a parallel socio political organizations like All Bodo Students’ Union (ABSU) in 1967. The ABSU initially demanded a division of Assam to create a separate state for the Bodos, advocating for their identity, addressing exploitation, unemployment, and socio-political injustices (Mahanta 2013) ^[39]. Over time, the movement shifted from peaceful to violent means. While initially collaborating, ABSU and PTCA disagreed on the rights and status of the Bodo minority, leading to ABSU's decision to operate independently. The split stemmed from differences in representing the Bodo cause, with ABSU feeling that PTCA failed to adequately prioritize Bodo interests amidst broader tribal concerns (Pathak 2012). Failing to advance Bodo interests, “PTCA experienced a significant division in 1984 with the emergence of the United Tribal Nationalists’ Liberation Front (UTNLF), led by Binai Khunger Basumataray” (Pathak 2012). UTNLF and ABSU joined forces “to advocate for the Bodos, presenting a joint request to Prime Minister Indira Gandhi for the creation of a separate homeland” (Behera 2017) ^[10].

After Asom Gana Parishad came to power in 1986, after the signing of the historic Assam Accord in 1985, “the Bodos felt deceived as the newly elected government had hardly anything to offer for the autonomy of the Bodos” (Mahanta 2013). Mahanta (2013) ^[39] adds that “the ABSU demand for greater autonomy for the Bodos and other plain tribes was raised on behalf of a multitude of economic, political, language, and ethnic identities”. For the first time, ABSU projected the larger protection of Bodo minority rights and the rights of other plains tribes against the non-tribal majority i.e. the Ahoms.

Post 1980s, the Bodo movement took a militant turn, with the creation of the Bodo People’s Action Committee (BPAC) in 1988. Mishra (2012) ^[40] argues that “the emergence of the Bodo Security Force (BSF) under the leadership of Ranjan Daimary which later became the National Democratic Front of Bodoland (NDFB) in 1994 was yet another tumultuous period in Bodo politics”. Mishra

(2012) ^[40] further argues that “the group's goals included freeing Bodoland from Indian expansionism and occupation, liberating the Bodo nation from colonialist exploitation, and establishing a Democratic Socialist Society based on principles of liberty, equality, and fraternity. They also aimed to maintain Bodoland's integrity and sovereignty. The BSF turned to separatist violence to liberate the Mongoloid-dominated Indo-Burman region, but when unsuccessful, some members formed the BLT under Prem Singh Brahma's leadership in 1996”. Both groups competed over representing the Bodo cause effectively, utilizing aggressive nationalism as a means to assert Bodo rights. The movement for a separate Bodoland, led by various Bodo groups, primarily relied on being an ethnic minority and contested against the dominance of the Assamese nation, and other minority groups (Mishra 2012) ^[40]. It simultaneously opposed the majoritarian rule of the state government while seeking dominance over non-Bodo groups, adopting a majoritarian political approach.

Ethnic peace accords are not a new thing in the northeast, as it first started with “the Naga-Akbar Hydari Accord in 1947, which was signed between the Government of India and 10 Naga groups in the wake of the Naga resistance” (Dutta 1995) ^[25]. Similarly, argues that “post 1990s Bodoland saw similar accords as attempts to provide territorial power sharing and institutional arrangements to fulfill ethnic accommodation in the region”. The first accord was signed “on 20th February, 1993 between the Government of Assam and All Bodo Students Union and Bodo People’s Action Committee which created the 40 member Bodoland Autonomous Council (BAC)” (Mitra and Singh 2009) ^[41]. There were special provisions which were incorporated in order to protect customary laws of Bodos and also give powers of ownership and transfer of lands within the BAC areas

(Datta 1995). The second Bodo Accord which was signed “on 10th February, 2003 replaced the BAC with BTC (Bodoland Territorial Council) which had a two tier governance structure. The Council was given powers through the Sixth Schedule; with legislative, administrative and financial powers” (Devbarma 1997) ^[23]. The recent accord called the Memorandum of Understanding was signed between different faction of the NDFB and ABSU on 27th January, 2020. The overall agreement was to increase the powers of the BTC and “promote and protect Bodo’s social, cultural, linguistic and ethnic identities”.

With the rise in Bodo homeland assertions and episodes of ethnic cleansing against the non Bodos, many organizations had started agitation programmes against the Bodo demand. Sanmilita Janagoshthiyo Oikya Mancha which was group of 21 non Bodo organizations were demanding Scheduled Tribe (ST) status for the Koch-Rajbongshis and the Advasis. Bhattacharya (2023) argues that “post 2003 Accord, the region saw rise of other organizations like Oboro Suraksha Samiti, whose major demand was to exclude 64 non bodo dominated villages from the Bodoland Territorial Area districts, fearing discrimination”.

Since 2010, a closer analysis of the electoral outcome highlights the consolidated voice of the non Bodos and the equally disintegration in the Bodo front. The Bodos have been increasingly losing their electoral share with only 17 seats in 2020. The Bodoland People’s Front (BPF) was able to form the council with an alliance with the Bharatiya Janata Party which had received 9 seats. But what was

striking was the performance of United People's Party (Liberal), (UPPL) which is a non Bodo political group which had bagged 12 seats in 2020 elections. Currently UPPL along with Bharatiya Janta Party and Gana Suraksha Party (GSP) forms the council in coalition, collectively competing with BPF.

The experimental Autonomous District Council in North East has been based on the premise that ethnic minorities while demanding autonomy have become the political majority within the sub region. Thus, although the BTC represents the highest level of decentralized autonomy, it also fosters an exclusionary politics for non Bodos, which in turn encourages similar territorial demands coming from them.

Case 2

The hill tribes of Manipur are divided into two groups: Naga and Kuki Chin groups. The non-tribals comprise of "Meiteis, Manipuri Muslims and other immigrant communities who remain localized in the valley region" (Haokip 2016) ^[29]. While the state is divided into hills and valley regions, "the hills have been given autonomous arrangements in five districts: Churachandpur, Uklhrul, Chandel, Tameglong and Senapati" (Haokip 2016) ^[29].

The hill tribes historically have been governed under the traditional institution of chieftainship and had considerable autonomy to carry out their own affairs. Under the colonial regime, the Britishers considered chiefship as the governing model for the hill tribes (Dena 2008) ^[22].

"With the outbreak of the Anglo-Kuki War of 1917-1919, the colonial administration created a larger check on the hill administration, by transferring it under the President of Manipur State Durbar" (Arora and Kipgen 2012). The government of India Act of 1935 transferred the hill administration under "Excluded Areas". Later, "the Manipur State Constitution Act 1947 made the hill areas under a single unit of administration along with valleys".

The demand for autonomy from Nagas and Kukis has been there since the time of independence. Largely the hill areas of Manipur have had three primary autonomy demands: a) Greater Nagalim b) Kuku Homeland c) Sixth Schedule in the hill areas of Manipur.

The Naga National league (NNL) in Manipur, led by Daiho Mao, was behind the proposal of creating a separate hill administration of Nagas along with areas of Assam. Parallely the Naga National Council (NNC), led by A.Z. Phizo were seeking a broader Naga ethnic nationalist movement. NNC while rejecting the Sixth Schedule institutional framework under Bordoloi Committee, declared Naga independence on August 14, 1946. It later turned into an armed struggle which expanded to Tuensang Frontier Division and Naga inhabited areas of Manipur. The state of Nagaland was formed in 1963 with the "Sixteen Point Agreement", but still hardliners within NNC carried on their armed struggle, which led to the Shillong Accord of 1975.

The National Socialist Council of Nagalim (NSCN) was formed in 1980 under "the leadership of Muivah, Isaac Chisi Swu and S.S Khaplant, who were against the Shillong Accord and wanted the establishment of the Government of People's Republic of Nagaland" (Goswami 2011) ^[27]. Later on, the group splits in 1988 giving birth to NSCN (IM) and NSCN (K). "NSCN(IM) kept on pursuing the demand for Greater Nagalim, integrating the Naga inhabited areas of

Assam, Arunachal Pradesh, Manipur and Nagaland" (Haokip 2005) ^[30]. Although there have been persistent peace talk between NSCN (IM) and Government of India, the demand for Greater Nagalim still persists.

Along with the Greater Nagalim demand, the Kukis have been trying to project consolidated demands of autonomy from time to time. The first attempt of being a single Kuki voice against the majority valley community, was through the Kuki National Assembly (KNA) (Arora and Kipgen 2012). Since 1960s, they have been voicing out their demands of a Kuki State, but Indian government has been reserved on this front. While the KNF aims to create a separate Kukiland, within the framework of the Indian constitution, it strives for the restoration of Zale'n-gam, projecting their right of self-determination and territorial identity of the Kuki people (Haokip 1998; Chaube 1973) ^[19, 28]. Overtime, there has been a "surge in many groups organizing itself with similar demands of autonomy, under two heads: Kuki National Organization (KNO) and the United Peoples' Front (UPF)" (Haokip 2005) ^[30]. Since the signing of the tripartite agreement on Suspension of Operations, between the two groups and GOI, KNO has been persistent in projecting its "demands of a separate Kuki State within the Indian constitutional framework. While the UPF, advocated for an autonomous hill state carved out of the Manipur hill areas" (Haokip 2005) ^[30].

Apart from statehood demands, hill districts have been asking "for the extension of the Sixth Schedule provision of the Indian Constitution in Manipur" (Haokip 2017) ^[31]. The Sixth Schedule established the structure of self-governance to hill tribes in Assam to preserve their ethnic identity, customs, culture and traditions. In order to address the autonomy aspiration, six Autonomous District Councils (ADCs) were established in Manipur through the Manipur (Hill Areas) Autonomous District Council Act of 1971. However the ADCs lacked significant legislative, executive, financial powers and were not as decentralized as the Sixth Schedule states.

On the other hand, "Article 371C of the Indian Constitution, which was later amended in 1971 under the 27th Constitutional Amendment Act, created the Manipur Legislative Assembly (Hill Areas Committee) order, 1972" (Haokip 2017; Kamei 2012) ^[31, 38]. The overall functions of the Hill Areas Committee, was as follows:

1. Have jurisdiction over the entire scheduled matters related to Hill Areas.
2. Review and Report regarding any bills affecting the Hill Areas to the Assembly.
3. Recommending any legislation or executive actions to the state government regarding Hill Areas.
4. The Governor, in consultation may delegate certain aspects of the executive responsibilities to the district councils.

The HAC have been consistent in demanding extension of Sixth Schedule provisions to the hill areas in Manipur repeatedly from 1974 to 2003. In 1988, Sixth Schedule Demand Committee Manipur (SSDCM) was created to meet this end. Many political elites, including former Chief Minister of Manipur Rishang Keishang, had "attempted to introduce Sixth Schedule in the hill areas, trying to amalgamate the existing six ADCs into one" (Haokip 2017) ^[31]. In recent times, there has been a growing unanimity in the demand by the six ADCs for extension of higher

devolutionary powers at par with Sixth Schedule states. This has led ADC members to protest in New Delhi in 2014, for the upgradation of these ADCs. Largely the delay has been with the apprehension of the majority Meitei community who are fearing disintegration of Manipur with larger autonomy of the hill districts.

The current crisis in Manipur has its history tied up with “three controversial bills being passed in the state Legislative Assembly of Manipur-Protection of Manipur People Bill (2015), Manipur Land Revenue and Land reforms Bill (2015) and Manipur Shops and Establishments Bill (2015)” (Das 2023) ^[20]. This was largely as a reactionary step regarding the call for reimplementation of the colonial Inner Line Permit (ILP) System in Manipur. With the passage of the bills, there was significant uprising in the hill regions, turning violent particularly in Churachandpur and Sadar Hills. The state government used the rationale of introducing the bills directly without the consideration of the HAC, because they were money bills. Some critics describe this action as “colourable legislation” where the legislature had used the pretexts of a certain power to accomplish a different objective, i.e. bypassing the HAC terming the bills as money bills. The protests lingered on for more than 600 days and culminated with the centre’s intervention (Das 2023) ^[20].

In 2021, the hills raged again with voices of tribal communities, where the HAC, driven by stronger desire to gain autonomy, tried to introduce a bill to revive the 1971 District Councils Act. This bill had a single aim: “to grant larger powers to the Autonomous District Councils (ADCs)” (Das 2023) ^[20]. However the state government has remained silent regarding the plea, which further created unrest in the region, with All-Tribal Student Union (ATSUM) enforcing economic blockade and demonstrated calls for exclamation of their rights and to challenge the status quo.

The 2023 violent uprising had an immediate trigger with the Tribal Solidarity March on April 21st, 2023. The organization was voicing its opposition “to the dominant Meitei community’s request for Scheduled Tribe (ST) status” (Mohan *et al.* 2023) ^[42]. It was in reaction to a High Court order where a single bench judge had instructed the Manipur government to submit its recommendation on the inclusion of the Meitei community in the ST list.

Understanding divergent political outcomes

Institutionally, India has incorporated the asymmetrical way of dealing with ethnic assertions and identity groups. In the above mentioned case studies as well it is clear that asymmetrical autonomous arrangements exist in both the cases, yet in different forms.

In the case of Bodoland, the state went on to create an autonomous council which created a political majority of a specific ethnic group as a means of settlement of decades old ethnic violence in order to seek a solution. The Bodo Agreement of 2003, as a case of *sui generis*, as argued by Bhuyan *et al.* (2022) ^[18], “was a deviation from the standard structure of the Sixth schedule and its operations”. Originally, the provision of the Sixth Schedule was meant only for the tribal protections of the hill tribes. But the Bodo assertion was strong enough to negotiate a space within the Sixth Schedule. This was an exceptional case in itself. The agreement allowed “modification in Para 2(1) of the Sixth Schedule where the numbers of BTC members were increased to 46, whereas the maximum strength of the

district council was 30” (Basumataray 2009) ^[4]. This increase in the members was however was premised to make the Bodos the political majority in the BTAD. As within “the 46 member, 30 were reserved for the Scheduled Tribe (ST) population, 5 seats for the non ST population and 5 seats open for all communities” (Mahanta 2013) ^[39]. This meant that BTC became an institutional design where a minority group was leveraged into becoming a political majority over other minorities, as predicted by Wolf (2011) ^[57] while arguing on the importance of institutional design to management ethno-national conflicts.

The success of the recent agreement of 2020 was noted primarily as an agreement which was successful in bringing the four factions of NDFB and ABSU together. But it was also noted, that failure to take representation from the non Bodo population has created a sense of discomfort in the minds of the non Bodo villages. Similarly on the point of the 2020 agreement where there has been “a proposal to include Bodo villages from districts outside the BTAD into Bodoland Territorial Region (BTR) and exclude the non Bodo villages from the proposed BTR, seems a point of concern for the non Bodo people”.

It was also noted that majority of the development is assumed to be restricted to Bodo dominated regions like Kokrajhar. And this necessarily has added to the grievances of the non Bodo groups to fear the political consequences of such misplaced power sharing in the BTC. Currently, with the declining electoral power of Bodo People’s Front (BPF), and the rise of Bharatiya Janata Party (BJP) and coalition government in the BTC has created an ad-hoc sense of representation with both Bodos and non Bodos finding an equitable share in the executive memberships of the BTC. As to what the future of Bodoland looks like, depends on the growth of BJP and the rise of non Bodo groups in the electoral politics of the region.

But here, it is important to bring back the argument to the other political ramifications of the exceptional experiment of Bodoland Territorial Council (BTC). Apart from creating ethnic competition within the BTC itself, this asymmetrical experiment had an impact on the political demands of other plain tribes of Assam as well. While interviewing members of the Mising Autonomous Council, it was noted that the creation of BTC in 2003, under the Sixth Schedule, was the immediate effect of providing necessary impetus to the movement of “granting more autonomy to Mising Autonomous Council, subsequently the Rabha Hasong Autonomous Councils and Tiwa Autonomous Council as well”.

In the case of Manipur, the autonomous district councils are yet another example of a *sui generis* institutional structure, which resembles the district council under Sixth Schedule but are entirely different in practice. The major pain area of the ADCs here has been the issue of devolutions. Devolution of power by the state government is supposed to supplement the major functioning of these ADCs, which provide them with economic and political power. Forest rights have been central to any tribal identity in the region and in this regard the councils had been given the devolution power of “management of any forest not being reserved forest, minor forest produce including fuel and fodder” (Ngaihte 2022) ^[43]. However Ngaihte (2022) ^[43] add that “the council reserves a mere consultative power to select up to 50 beneficiaries under the social forestry scheme. The councils have no role in the management and

regulation of any forests in the council area". This remains a huge pain area for the council's functioning yet again. Over all, the councils have received limited power in conceptualizing, planning and implementing development projects in the region. This was a similar concern presented to "Prime Minister Narendra Modi, in 2014 by the six autonomous district councils in Manipur that out of the 26 subjects, more than half of the subjects have not been devolved till date. In addition, they also demanded the extension of the provisions of the Sixth Schedule of the constitution to the hill areas" (Ngaihte 2022) ^[43]. While interviewing some village elders of Kuki tribes, some fundamental grievances of the working of the HAC came forward. The most important grievances have been the mere consultative power of the HAC, which makes it a subsidiary link of the state government. The case of Manipur, thus presents a functioning of an asymmetrical federal policy, which requires much more work. The overwhelming demand for the extension of the Sixth Schedule to the hill areas of Manipur, is not just the demand of the hill tribes but also have been reported by various consultative bodies and committees like Chief Minister' Social Policy Advisory Committee (1995-97), which had envisioned a much more resolute and federally powerful ADC. During the interviews, it was also noted that many of details of the councils functioning was not known by the executive members themselves. Thus, the administrative functioning of HAC as an institution itself needs more careful study and exploration in arguing if it can develop as a successful asymmetrical arrangement.

Concluding remarks

Bodoland's experiment of creating a sui generis model of asymmetric federal structure lies in its timing of negotiation, rather than the nature of its armed struggle. Sisk (1996) ^[52] argues that "timely negotiation of autonomy that successfully addresses and accommodates self-determination claims with a robust power sharing model, is more likely to promote peace". This approach is seen to be effective before the self-determination turn into independence/homeland movements. In the case of Bodoland, the territorial autonomy was first negotiated by the federal government and state government with two Bodo groups. This was followed by Bodo Security Force initiating a violent armed independence movement and the All Bodo Students Union consolidating a popular violent agitation. The government successfully sidelined the BSF, and brokered an accord with ABSU and Bodo People's Action Committee. A similar approach was witnessed with BLT's involvement in negotiations in 2003 and ABSU, United Bodo Students Union and four factions of NDFB in 2020. However, the rise of Bodo's dominant position and exceptionalism, has persistently triggered popular mobilization of non Bodo tribal and non-tribal groups. The Accords have been helpful in negotiating peace in the valley, with different political groups of Bodos coming together with the federal government and giving up their statehood demands for a higher autonomous arrangement. While this pattern of territorial management seems working to some degree in BTC, it also creates non Bodo aspirations for similar autonomous arrangements. This is resultant of the weak power sharing provisions in the previous Accords, which might be counterproductive to peaceful coexistence in the Assam Valley triggering demands for similar

exceptionalism.

In contrast, what can be observed in the example of Manipur, is that the asymmetric federal structures are hollowed out in their functionality, making the "role of bodies like HAC equivalent to contract workers of the state and central governments" (Ngaihte, 2022) ^[43]. Autonomy has been a unique incentive with respect to changing dynamics of India's asymmetric federal process.

In this paper, an attempt has been made to explore two sui generis case studies of a federal experiment to engage with the issue of political autonomy. The focus was on analyzing the political motivations behind the autonomous arrangements within the highly decentralized Bodoland Territorial Council (BTR) and comparing it with the Autonomous District Councils (ADCs) in the Manipur's hill areas, which aspire similar level of autonomy. The study identifies structural challenges within the BTC and contextualized the recent political dynamics prevalent in the region, particularly the diminishing electoral influence of the Bodoland People's Front (BPF) and the rise of the Bharatiya Janata Party (BJP). It highlights how the BTC, later Bodoland Territorial Region (BTR), as one of the largest examples of asymmetric federal arrangements, still triggers ethnic competition. This is evident in the tension between the Bodos, who benefit from the BTC, and the non Bodo majority, as well as with the other plain tribes (Rabhas and Mishings) outside the BTR, who are now demanding similar autonomous arrangements.

In contrast, the case of Manipur demonstrated how asymmetrical federalism fail to function without proper communication and collaboration between the state government and the sub state entities, reducing the asymmetrical federal framework to mere consultative body.

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