

“Constitution of India, Peace Process and Crisis Management: A Study of Naga Peace Agreement”

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After more than six and a half long decades of struggle for “pride and prestige” Government of India (GOI) and National Socialist Council of Nagaland (Isaac- Muviah) signed the “Framework Agreement” on 3rd August 2015 and endeavoured to restore peace in Naga society. Though the GOI exercised legitimate control over Nagaland by granting statehood to it in 1963, still there was an antagonism within the Naga society. The prolongation of ‘security apparatuses’ like Armed Forces (Special Powers) Act, 1958 not only led to the exasperation among Nagas but was also against their social and cultural ethos. The recent accord is a stupendous example of bureaucratic paradigm which has shifted the “Naga national discourse from exclusive sovereignty of the Nagas in Nagaland to that of shared sovereignty of the Nagas within the Union of India”. While the signing of the agreement has brought merriment among the members of civil society of Nagaland who for ages have craved for peace and unity in Nagaland, there have, however, exists qualm as to the effectiveness of the Accord to restore peace, harmony and national pride among the Nagas.

Introduction

Lying in the hills and mountains of the northeastern part of India is Nagaland – Land of Nagas, which is spread over the area of 6,401 square miles making it to be one of the smaller states of India. It is an adobe to approximately 2,187,000 citizens (as of 2008). The native population of Nagaland consists of Nagas, an Indo-Asiatic people which form more than twenty tribes as well as numerous subtribes. Prior to British invasion in Nagaland, different tribes practised different political system. For instance, Konyaks practised kingship system where the king was called Ang which was hereditary in nature while Putumenden system was followed in the Ao tribe (Dutta,2015). Howbeit, the rich administrative system which was practised by Nagas witnessed an enormous change after the British invasion. Despite having a rich and varied culture they can be seen as victims of unchallenging projections and propaganda of nation-states.

The primary approach of colonial rulers was that it is the white man’s burden to “civilize the so-called uncivilized”. The Nagas as a tribe of India are besmirched as a result of their historical social practices, in particular the practice of headhunting or head-taking. One may raise the question [as to] whether the ancient Naga people were [truly] barbarous (Singh, 2004: 6). The head-taking practices and rituals of the Nagas was a part of their epistemological worldview in addition to the Naga’s social life and organization. Similarly, other kinds of rituals and festivals were practised in a different way in the past which had an intimate connection with their lived experience (Bodhimani). Additionally, the tribe had a misfortune to be referred to as “Naked Nagas”, which was later used by Austrian Austrian

anthropologist Christoph Von Fuhrer – Haimendrof as a title of his 1939 book. This unfortunate misnomer is detrimental to their attire choice and traditions.

However, after more than six and a half decades-long violence, on 3rd August 2015, a “Framework Agreement” was signed between Government of India (GOI) and National Socialist Council of Nagaland (Isaac – Muivah) to restore the “pride and prestige” of Nagas. Howbeit, after its ratification the question of paramount importance which emerges is, whether it will be meeting its object in true sense or not?

Nagaland waiting for the light at the end of a long and dark tunnel

Reviewing the past

The first British encounter with the Naga can be traced back to the treaty of Yandabo in 1826 (Neivetso Venuh, 2005). However, the situation took a turn for the worse in January 1832 when captain Jenkins while on his way to Assam from Manipur was raided by fierce Naga attacks (Charles Chasie, 1999). Consequently, to retaliate against the growing raids, British on November 14th 1878, occupied Kohima. After gaining control over Naga hills, Britishers, in order to increase their military strength in the first world war, sent about 5000 Nagas to France. After coming back from the war, some elevated members of Naga society to ensure the solidarity among community members decided to constitute a political institution in which all tribes had representation. In 1918, Naga Club was formed in Kohima, which was the first political formation in regard to the national Naga consciousness. The first significant manifestation of the same was evident in the memorandum submitted by Naga Club to the Simon Commission in 1929 against Sec 52(A)(2) of Government of India Act, 1919 which declared Naga as “backward tract” (Baruah). Through the memorandum, the Club demanded that “the Nagas be excluded from the proposed constitutional changes and kept under the direct administration of the British” and also stated:

“You (the British) are the only people who conquered us and when you go we should be as we were” (Misra, 2000: 28).

Attaining statehood and responses of Indian State

With the passage of time as the political discussions increased, with the intent to provide a distinct political recognition to Nagas, in 1945 Naga Hills District Tribal Council was established under the initiative of the British Deputy Commissioner of the Naga Hills district, Charles Pawsey. However, Naga politics took concrete shape only with the formation of the Naga National Council (NNC) in February 1946, which brought together all individual tribes of the Nagas. Initially, there was no consensus as to the political demands within NNC. It was only after, the election of Phizo as the President of NNC in November 1949, the demand for independence gained paramountcy. On the eve of the declaration of the Cabinet Mission Grouping Proposal, the NNC in June 1946 demanded autonomy within Assam and opposed both the proposal for a Crown Colony as well as the Grouping Scheme (Misra, 2000: 27).

Expressing its political stand, the General Secretary of NNC, T. Sakhrie in a letter written to Jawaharlal Nehru stated:

- “(a) the Naga National Council stands for the solidarity of all Naga tribes including those in the un-administered areas;
- (b) this council strongly protests against the grouping of Assam with Bengal;
- (c) the Naga Hills should be constitutionally included in autonomous Assam, in a free India, with local autonomy and due safeguards for the interests of Nagas; and
- (d) the Naga tribes should have a separate electorate”.

The reply of this letter by Nehru was pragmatic. While Nehru was for greater autonomy for the Nagas, he was opposed to sovereignty and secession of the Nagas from India. The letter, indeed, laid down the political philosophy of the incoming Indian state to the whole Naga issue. Giving reliance to Nehruvian ideology, Naga Akbar Hydari Accord (9-point agreement) was signed in June 1947 between Governor of Assam, Sir Akbar Hydari and the representatives of the Naga National Council at Kohima for a duration of ten years. The salient points of this agreement were:

- “(a) the right of the Nagas to develop themselves according to their freely expressed wishes;
- (b) Naga Courts according to the Naga customary law; and
- (c) no laws passed by the Provincial or Central Legislatures, which would materially affect the terms of the agreement or the religious practices shall have legal force in Naga Hills without the consent of the Naga Council”.

In this sense it can be construed that, through this accord Naga Council was conferred legal and statutory status. However, soon after this agreement, a divergence emerged as to the duration of the agreement that is to say, whether the current agreement after the lapse of 10 years should be extended or whether a new agreement should be drafted. This contentious issue led to the declaration of independence of Naga by 14th August 1947. However, in order to suppress the agitation, Indian government retaliated by sending its troops to Nagaland in 1952 which ultimately led to the enactment of The Armed Forces (Assam and Manipur) Special Powers Ordinance, 1958, by then- President of India Rajendra Prasad (later subsumed into the Armed Forces (Special Powers) Act, 1958). Gradually, the political tension on the matter of “autonomy versus independence” aggravated, which ultimately led to the splitting of NNC into two factions. The division within NNC resulted in the “Sixteen Point Agreement Arrived at Between the Naga Peoples Convention and the Government of India” in July 1960. It is through this Agreement that a consensus was arrived at to constitute a state in the territories known as Naga Hills Tuensang Area. It was also decided that the state of Nagaland shall be under the Ministry of External Affairs of GOI. A number of concessions were accorded to the state of Nagaland by Clause 7 of the agreement to substantiate the autonomy that was promised by the GOI. This finally led to the 13th Constitutional Amendment, 1962 because of which 16th state of independent India i.e. Nagaland was formed. This was followed by the creation of “Peace Mission” whose primary objective was to reinstitute peace

in Nagaland by using the bureaucratic skill of negotiation with the underground factions. The Mission was headed by the then Chief Minister of Assam, B.P. Chaliha. The other two members of the Mission were J.P. Narayan and Revd. Michael Scott. Consequently, on 20th December 1964 a 17-point proposal was issued by the Peace Mission which highlighted the terms of negotiation between the GOI and the underground. The Peace Mission's credible success was to sign the first-ever Cease-Fire Agreement on 6th September 1964 with Naga Underground which, according to the Mission has been:

“a matter of considerable satisfaction to the Peace Mission, as to all other in Nagaland and in the rest of India, that since firing ceased on 6th September 1964, for the first time in ten years people in Nagaland are experiencing what normalcy is”.

However, the initiatives of mission went into vain when the federal groups started infringing the clauses of the agreement. Concurrently, Indian government with the intent to restore peace in conflicted Naga area continued its attempts through tactical manoeuvres. As a sequence of events on 11th November 1975, “Nagaland Accord: The Shillong Agreement” was signed between then Governor of Assam – L.P. Singh and the representatives of Nagaland's underground organizations. Two significant outcomes of the Agreement were:

“(a) the representatives of the underground organization conveyed their decision, of their own volition, to accept, without condition, the Constitution of India; and (b) it was agreed that the arms, now underground, would be brought out and deposited at appointed places”.

As a response to the dissatisfaction towards the signed agreement, a revolt erupted against NNC which led to the birth of NSCN in 1980. NSCN, in its Manifesto, 1980, castigated NNC of “its failure to condemn the treacherous Ministry and the Accord of treason of 1975” and alleged, “despite the changes taking place in the world the Naga National Council has failed to keep pace with changing conditions”. With the creation of NSCN in 1980, all the steps taken to reinstall peace and sense of belongingness went into vain. New waves of conflict, clashes and confrontation started. However, the most unfortunate of all the incidents was the division of NSCN into two factions one led by Chairman Isac and General Secretary Muivah (NSCN-IM) and other faction by its Vice President S.S. Khaplang (NSCN-K). The worst form of the outburst of the factionalism emerged through the bloodiest internal clash between the Myanmar Nagas represented by Khaplang and that of Tangkhul Naga represented by Isaac and Muivah, took place on 30th April 1988 in which hundreds of people were killed (Misra, 2000: 54). Thus, in order to cope up with such challenging conditions NSCN(IM) in December 1997 signed a ceasefire agreement with GOI. In order to ensure peace in the valley, this agreement was revised in January 2001. Subsequently, NSCN (Khaplang) also signed a ceasefire agreement for a period of one year in May 2001, which was extended from time to time. However, the negotiation for peace continued primarily with NSCN (IM), which finally culminated in the signing of the “Framework Agreement” in August 2015.

The Framework Agreement and prospects of Naga peace

The signing of the ‘Framework Agreement’ between Government of India (GOI) and National Socialist Council of Nagaland led by Isaac and Muivah faction (NSCN-IM) on 3 August 2015 is perceived as a step towards the restoration of peace in Nagaland in India, however, without any guarantee that it will bring a permanent solution to the Naga national question. The signing of the Agreement, which has been received positively by most of the civil society outfits in the state steered by Naga Hoho is a significant marker of the legitimacy for the Indian state. Immediately, after signing the “Framework Agreement”, Prime Minister Narendra Modi delivered a “well-scripted speech” where he focused on the unique history of the Nagas as well as the prospects of a new dawn of hope and aspirations for both the Nagas and the country. For him, the Agreement does not only mark “the end of a problem but the beginning of a new future”. Through the Agreement, the GOI assures its pledge not only “to heal wounds and resolve problems” but also to be the partner of the Nagas in their “pride and prestige”. To the leaders and the people of Nagaland, the Prime Minister had a special message:

“You will not only build a bright future for Nagaland, but your talents, traditions and efforts will also contribute to making the nation stronger, more secure, more inclusive and more prosperous. You are also the guardians of our eastern frontiers and our gateway to the world beyond”. (Nagaland Post, 4 August 2015)

Highlighting the spirit behind the negotiations that resulted in the signing of the Agreement, the Prime Minister also asserted that:

“Today’s agreement is a shining example of what we can achieve when we deal with each other in a spirit of equality and respect, trust and confidence; when we seek to understand concerns and try to address. aspirations; when we leave the path of dispute and take the high road of dialogue. It is a lesson and an inspiration in our troubled world” (Nagaland Post, 4 August 2015).

While there have been both euphoria and celebrations around the “Framework Agreement”, many substantive issues have, however, remained unanswered. According to Kikon, there exists a couple of factors which makes us ponder upon the future efficacy of “Framework Agreement”. Some of them are as follows:

“First, presence of more than half-a-dozen newly formed armed groups, which are active in Naga areas across the region and the factionalism and the routine violence that they are engaged in is the first challenge. Second, the growing voices of dissent from Assam, Manipur and Arunachal Pradesh against the Accord on account of NSCN (IM)’s dream of greater Nagalim. Third, the militarist and paternalistic relationship perpetuated by NSCN (IM) over the years”. (Kikon, 2015)

Consequently, restoration of peace, pride and prestige in Nagaland will depend on how these critical issues are addressed by both the parties.

Subsequent development

One of the major denunciations of ‘Framework Agreement’ was that it has failed to take into confidence several political factions. In order to meet this limitation, GOI in end-2017 began peace talks with other rebel factions. The most indispensable of all these meetings is the peace talks with NSCN’s Khaplang faction in 2019. In order to provide a better standard of living, GOI assured the natives to render sufficient trading and business opportunities. Thus, reversing a narrative of their neglect.

However, despite of all the positive steps taken by GOI, there exists a feeling of exasperation among people of Nagaland. They fear that GOI by working on the same parlance (similar to what was done in J&K) may abrogate the special status which is conferred by Article 371A. Also, there exists a constant feeling of the threat of military action. In this reference, it is worth quoting the order of Ministry of Home Affairs to bring Assam Rifles under its wings. Additionally, many old wounds of people of Nagaland were reopened when they spotted “Sukhoi” and “Hawk fighter jets” hovering over their houses. It reminded them of the barbaric and unfortunate insurgency by Indian Army in Mizoram in the 1960s. Even though, Indian Air Force in its clarification declared it to be “a major wartime preparedness”. But still, a sense of suspicion and fear do exist in the minds of natives.

Conclusion

For more than six and a half decades, Nagaland despite being one of the integral states of India has always been victim of external aggression and bureaucratic tantrums. In spite of the special category status (guaranteed by Article 371, Constitution of India) the natives of Nagaland are always ostracized and are never assimilated in the mainstream. Over the years, it has witnessed several military infiltrations leading to armed conflicts. Therefore, to restore the ‘peace and prosperity’ in Nagaland, ‘Framework Agreement’ was signed. However, one is not sure of the obstacles which one may encounter in the road ahead.

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