



**Centre for the Study of Law and Governance
Jawaharlal Nehru University
New Delhi-110067**

Optional Course – 4 Credits

LG651N - Law and Governance in India's North East

Course Instructor: Dr. Thongkhola Haokip

About the Course:

India's Northeast is not only a remote periphery in the imagination of the Indian nation-state, distinct laws were framed to govern this region since the colonial period. This course will look into the historical context of how colonial and post-colonial laws emerged for the northeastern region to bring about certain form of governance. It will critically examine how 'exceptional' laws were framed specifically for 'non-state spaces' and the politics of governance thereof. This will be looked through the lens of various contemporary social theories and approaches.

Course Outline

1. Introducing India's Northeast

- i) Emergence of the 'Northeast Frontier'
- ii) From Resource Frontier to a Region
- iii) Debates on conceptualization of the region

2. Major themes in understanding the Northeast

- i) *Non-State Spaces and People*: Willem van Schendel; James C. Scott
- ii) *Indirect Rule/Rule of Difference*: Mahmood Mamdani, Karuna Mantena
- iii) *Colonial and Frontier Governmentality; Primitivism/Protectionism*: David Scott, Benjamin D. Hopkins, Uday Chandra
- iv) *States of Exception and (Racialised) Emergency*: Giorgio Agamben, John Reynolds
- v) *Legal Pluralism*: Sally E. Merry, Boaventura Sousa Santos, and John Griffiths

3. Colonial Law and Governance

- i) Cleveland's Tribal Policy
- ii) Regulation X of 1822, The Garo Hills Act 1869 (Act No. XXII of 1869), Frontier Tract Regulation of 1880 – *Non-Regulation Pattern of Administration*
- iii) Bengal Frontier Regulation Act, 1873 - *Inner Line Permit*
- iv) Scheduled Districts Act, 1874 – *Exceptional Space*
- v) The Chin Hills Regulation Act, 1896 – *Exceptional Governance/Rule of Difference*
- vi) The Government of India Act 1919 - *Backward Tracts*
- vii) The Government of India Act 1935 - *Excluded and Partially Excluded Areas Order 1936*

4. Post-independence Law and Governance

- i) Sixth Schedule
- ii) Special Provisions: Article 371 (a), (b), (c), (f), and (g)
- iii) Armed Forces Special Powers Act, 1958

5. Contemporary Challenges to Law and Governance

- i) Political Integration
- ii) Alienation
- iii) Immigration
- iv) Insurgency

Core Reading

1. Introducing India's Northeast

Anderson, Benedict (2006). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso. (Chapter 10: Census, Map, Museum)

Baruah, Sanjib (2020). *In the Name of the Nation: India and its Northeast*. Stanford: Stanford University Press. (Chapter 2: The Invention of Northeast India)

Cederlöf, Gunnel (2014). *Founding an Empire on India's North-Eastern frontiers, 1790–1840: Climate, Commerce, Polity*. New Delhi, Oxford University Press. (Chapter 1: Commercial Flows and Bounded Landscapes in Between Empires; Chapter 3: Making 'Natural' Boundaries)

Haokip, Thongkhola (2012). Is there a Pan-North-East Identity and Solidarity?. *Economic and Political Weekly*, 47(36), 84-85.

Misra, Sanghamitra (2011). *Becoming a Borderland: The Politics of Space and Identity in Colonial Northeast India*. New Delhi: Routledge.

Misra, Udayon (2000). *The Periphery Strikes Back: Challenges to the Nation-State in Assam and Nagaland*. Shimla: IIAS. (Chapter 1: India's North-East: An Illusive Construct)

Gellner, David N. (2014). *Borderland Lives in Northern South Asia*. Hyderabad: Orient Blackswan. (Chapter – introduction: Northern South Asia's Diverse Borders, from Kutchh to Mizoram – David N. Gellner; Chapter – Afterword: Making the Most of 'Sensitive Borders' – Willem van Schendel)

Mackenzie, Alexander. *The North-East Frontier of India*. Mittal Publications, 1995 (Originally published as History of the Relations of the Government with the Hill Tribes of the North-East Frontier of Bengal)

2. Major themes in understanding the Northeast

i) Non-State Spaces

Scott, James C. (2014). *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. Yale University Press.

Van Schendel, W. (2002). Geographies of knowing, geographies of ignorance: jumping scale in Southeast Asia. *Environment and Planning*, 20(6), 647-668.

ii) *Indirect rule/Rule of Difference*

Mamdani, Mahmood (1996). *Citizen and Subject: Contemporary Africa and the Legacy of late Colonialism*. Princeton University Press.

Mamdani, Mahmood (2009). *Saviours and Survivors: Darfur, Politics, and the War on Terror*. Capetown: HSRC Press. (Chapter 5)

Mamdani, M. (2012). *Define and Rule: Native as Political Identity*. Cambridge, Massachusetts: Harvard University Press.

Mantena, Karuna (2004). Law and ‘Tradition’: Henry Maine and the Theoretical Origins of Indirect Rule. In Andrew Lewis & Michael Lobban (eds.). *Law and History: Current Legal Issues Volume 6*. Oxford: Oxford University Press, pp. 158–188.

Mantena, Karuna (2004). *Alibis of Empire: Social Theory and the Ideologies of Late Imperial Rule*. Princeton: Princeton University Press.

Additional reading

Metcalf, Thomas R. (1995). *Ideologies of the Raj*. Cambridge: Cambridge University Press.

Naseemullah, A., & Staniland, P. (2016). Indirect rule and varieties of governance. *Governance*, 29(1), 13-30.

iii) *Colonial/Frontier Governmentality; Primitivism/Protectionism*

Foucault, Michel ‘Governmentality’, in Graham Burchell, Colin Gordon and Peter Miller, eds. *The Foucault Effect: Studies in Governmentality*. London: Harvester Wheatsheaf.

Scott, David (1995). Colonial Governmentality, *Social Text*, No. 43, pp. 191-220.

Hopkins, Benjamin D. (2020). *Ruling the Savage Periphery Frontier Governance and the Making of the Modern State*. Cambridge, Massachusetts: Harvard University Press.

Chandra, Uday (2013). Liberalism and its other: The politics of primitivism in colonial and postcolonial Indian law. *Law & Society Review*, 47(1), 135-168.

Kalpagam, U. (2014). *Rule by Numbers: Governmentality in Colonial India*. London: Lexington Books.

iv) *State of Exception and (Racialised) Emergency*

Agamben, Giorgio (2003). *State of Exception*. Homo Sacer II, University of Chicago Press.

Heath, Deana (2021). *Colonial Terror: Torture and State Violence in Colonial India*. Oxford: Oxford University Press.

Reynolds, John (2017). *Empire, Emergency and International Law*. Cambridge: Cambridge University Press.

v) ***Legal Pluralism***

Benton, Lauren and Richard J. Ross (2013). *Legal Pluralism and Empires, 1500–1850*. New York and London: New York University Press.

Benton, Lauren (2004). *Law and Colonial Cultures Legal Regimes in World History, 1400–1900*. Cambridge: Cambridge University Press.

Merry, Sally Engle (1988). ‘Legal Pluralism’, *Law & Society Review*, 22(5), pp. 869-896.

Griffiths, J., 1986. What is legal pluralism?. *The Journal of Legal Pluralism and Unofficial Law*, 18(24), pp.1-55.

3. Colonial Law and Governance

i) ***Cleveland's Tribal Policy***

Dhagamwar, Vasudha (2006). *Role and Image of Law in India: The Tribal Experience*. New Delhi: Sage Publications.

Bhattacharyya-Panda (2021), Nandini, Sovereign and ‘Tribesmen’ in Jungleterry: Augustus Cleveland and the Birth of Tribal Policy in Early Colonial Bengal”, *AsCon Monograph Series 007*, Shillong.

Oldham, C.E.A.W. ed. (1930). *Journal of Francis Buchanan, Kept During the Survey of the District of Bhagalpur in 1810–1811, With Notes and Introduction*. Patna: Government Printing Press. (Read Introduction)

ii) ***Regulation X of 1822 (Non-Regulation Pattern of Administration)***

Misra, S. (2024). *The Long Conquest: Territorialisation, Rebellion and the 'Tribe' in Eastern India, Circa 1760 to 1900*. New Delhi: Routledge. (Chapter 3 & 5)

Barooah, Nirode K (1970). *David Scott in North-East India 1802-1831: A Study in British Paternalism*. New Delhi: Munshiram Manoharlal.

iii) ***Bengal Eastern Frontier Regulation Act, 1873***

Barua, Taz (2017). Return of the Frontier: Understanding the Demands for Inner Line in Northeast India. *Alternatives: Global, Local, Political*, 42(3), 107-120.

Das, Debojyoti (2018). “Colonial Construction of a Frontier Debating the Inner Line Regulation in Sibsagar–Naga Hills”, *Economic and Political Weekly*, 53(7), 52-61.

Kar, Bodhisattva (2009), 'When Was the Postcolonial?: A History of Policing Impossible Lines', in Sanjib Baruah (ed.) *Beyond Counterinsurgency: Breaking the Impasse in Northeast India*. New Delhi: Oxford University Press, pp. 49-79.

Gait, Edward (1926). *A History of Assam*. Calcutta: Thacker, Spink & Co. (Chapter 22: Important Events of Recent Times, pp 334-335)

iv) *Scheduled Districts Act, 1874*

Elwin, Verrier (1961). *Nagaland*. Shillong: Sree Saraswati Press Ltd. (Chapter 3: India and Her Tribes, pp. 34-40)

Rodrigues, Shaunna (2021). Excluded Areas as the limit of the political: the murky boundaries of Scheduled Areas in India, *The International Journal of Human Rights*, 25(7), 1126-1147.

Tewari, Saagar (2025). *Islands Against Civilisation: Anthropology, Nationalism, and the Politics of Scheduling, 1918–1950*. Hyderabad: Orient Blackswan. (Chapter 1 - Spaces of Exception/Regimes of Protection)

Additional readings

Chandra, Uday (2013). Liberalism and its other: The politics of primitivism in colonial and postcolonial Indian law. *Law & Society Review*, 47(1), 135-168.

Syiemlieh, David R. (ed.), *On the Edge of Empire: Four British Plans for North East India*, New Delhi: Sage Publications, 2014.

Barooah, Nirode (1969). *David Scott in North-East India 1802-1831: A study in British Paternalism*. New Delhi: Munshiram Manoharlal.

Ray, Reeju (2023). *Placing the Frontier in British North-East India: Law, Custom and Knowledge*. London: Oxford University Press.

v) *The Government of India Act 1935 - Excluded and Partially Excluded Areas Order 1936*

Elwin, Verrier (1961). *Nagaland*. Shillong: Sree Saraswati Press Ltd. (Chapter 3: India and Her Tribes, pp. 34-40)

Rao, V. Venkata (1976). *A Century of Tribal Politics in North-East India 1874-1974*. New Delhi: S. Chand & Company Ltd. (Chapter 3: Constitutional Position, pp. 45-103)

4. Post-independence Law and Governance

i) *Sixth Schedule*

Bhagat-Ganguly, Varsha, and Sujit Kumar eds. (2020). *India's Scheduled Areas Untangling Governance, Law and Politics*. New Delhi: Routledge.

Hausing, KKS (2018). "Salvaging autonomy in India's Northeast", in B. Oinam & D. Sadokpam (Eds.). *Northeast India: A Reader*. New Delhi: Routledge.

Hidayatullah, Mohammed (1979). *The Fifth and Sixth Schedules to the Constitution of India*. Gauhati: Ashok Publishing House.

Sarmah, Jayanta Krishna (2011). An Alternative Formulation for Autonomous Councils in Assam, *Economic & Political Weekly*, 46(35): 23-25.

Singh, MA eds. (2022). *Autonomy and Democratic Governance in Northeast India*. New Delhi: Routledge.

Sonntag, S. K. (1999). Autonomous councils in India: contesting the liberal nation-state. *Alternatives*, 24(4), 415-434.

Soreide, K. N. (2020). Governance Gaps in the Sixth Schedule Mechanisms in Meghalaya. *Indian Journal of Public Administration*, 66(4), 466-480.

Stuligross, D. (1999). Autonomous councils in Northeast India: theory and practice. *Alternatives*, 24(4), 497-526.

ii) Special Provisions: Article 371 (a), (b), (c), (f), and (g)

Haokip, Thongkhola (2017). Dereliction of Duties or the Politics of ‘Political Quadrangle’? The Governor, Hill Areas Committee and Upsurge in the Hills of Manipur. *Indian Journal of Public Administration*, 63(3), 456-474.

Hausing, KKS (2014). “Asymmetric federalism and the question of democratic justice in Northeast India”. *India Review*, 13(2): 87-111.

Thapa, Sandhya (2022). Ethnicity and protective policies in Sikkim: Consolidation and reconfiguration. *Contributions to Indian Sociology*, 56(1), pp.63-87.

iii) Armed Forces Special Powers Act, 1958

Hoening, Patrick & Navsharan Singh, eds. (2014). *Landscapes of Fear: Understanding Impunity in India*. New Delhi: Zubaan Books.

Kalhan, Anil (2010): “Constitution and ‘extraconstitution’: colonial emergency regimes in postcolonial India and Pakistan”, In Victor V. Ramraj and Arun K. Thiruvengadam (Eds.) *Emergency Powers in Asia: Exploring the Limits of Legality*. Cambridge: Cambridge University Press, pp 89-120.

Minattur, Joseph (1962): *Martial Law in India, Pakistan and Ceylon*. The Hague: Martinus Nijhoff.

Noorani, AG (2012): *Challenges to Civil Rights Guarantees in India*. New Delhi: Oxford University Press.

Haley Duschinski (2010). Reproducing Regimes of Impunity: Fake encounters and the informalization of everyday violence in Kashmir Valley, *Cultural Studies*, 24:1, 110-132,

Additional readings

Karlsson, Bengt G. (2011). *Unruly Hills: Nature and Nation in India's Northeast*. New Delhi: Social Science Press. (Chapter 5: Indigenous Governance)

Baruah, A. K. (2003). Tribal traditions and crises of governance in north east India, with special reference to Meghalaya. Crisis States Programme, Working Papers Series No.1 <http://eprints.lse.ac.uk/28269/1/WP22AB.pdf>

Elwin, Verrier. (1957). *A Philosophy for NEFA*. Gyan Publishing House

Ramakrishnan, Nitya (2013). *In Custody: Law, Impunity and Prisoner Abuse in South Asia*. New Delhi: Sage Publications.

iv) Contemporary Challenges to Law and Governance

Barbora, Sanjay (2022). *Homeland Insecurities Autonomy, Conflict, and Migration in Assam*. New Delhi: Oxford University Press.

Bhaumik, Subir (2009). *Troubled Periphery: Crisis of India's North East*. New Delhi: Sage Publications.

Misra, Udayon (2014). *India's North-East: Identity Movements, State and Civil Society*. New Delhi: Oxford University Press. (Chapter 4 (VIII): Representative Democracy and Traditional Institutions)

Chaubey, SK (1973). *Hill Politics in Northeast India*. Hyderabad: Orient Longman.

Haokip, T. (2012). Political Integration of Northeast India: A Historical Analysis. *Strategic Analysis*, 36(2), 304-314.

Haokip, T. (2015). *India's Look East Policy and the Northeast*. New Delhi: Sage Publications. (Chapter 7: Political Impact of the Look East Policy)

Wouters, Jelle JP ed. (2022). *Vernacular Politics in Northeast India: Democracy, Ethnicity, and Indigeneity*. Oxford: Oxford University Press.

Wouters, Jelle JP & Tanka B. Subba (Eds.). *The Routledge Companion to Northeast India*. New Delhi: Routledge.