

India's Northeast as an Internal Borderland: Domestic Borders, Regimes of Taxation, and Legal Landscapes

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Abstract

Interrogating the conventional understanding of what constitutes a border in India's Northeast, the paper points out the presence of multiple less tangible but nevertheless real boundaries that crisscross the region - fiscal, legal, liquor, and emotional borders among them. Such borders, which do not usually appear on maps, are also underpinned by a similar "border-logic" of dividing a relating territories and peoples.

Keywords: Internal borders, Northeast India, Territory, Multiple borderlands.

Introduction

India's Northeast is commonly presented as an extreme borderland, couched, as it is, between five other countries (Bangladesh, Myanmar, China, Bhutan, and Nepal), and connected with India's so-called "Mainland" only through a narrow corridor flanked by Nepal and Bangladesh. On a political map, consequently, India's Northeast assumes a peculiar shape, jutting out of India as though "an inconvenient outlier that is regulated to an inset" (Van Schendel 2002: 652). Its appearance on Indian maps – as simultaneously part of it and beyond its pale – has contributed, in parts, to the popular ignorance of the region and its inhabitants in places across the

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country (Wouters and Subba 2013), prompting a leading national magazine to define the region as *On the map but off the mind* (Tehelka 2006), thence complicating Winichakul's (1994) claim, later adopted by Anderson (2006) in his authoritative theorising of nationalism, that the logo-map anticipated spatial reality (not vice-versa), and, in the upshot, conceived the modern nation.¹

Despite contemporary appearances to the contrary, Northeast India's configuration as an extreme borderland today was neither natural nor inevitable. When adopting a wide historical lens, its current geo-political position remains best understood as the cumulative result of British imperial ambitions and policies, the outcome of numerous conflicts, battles, and peace-treaties that delineated territorial control (including with Nepal, Bhutan, and Burma), spiked, in 1947, by Partition. It was through Partition that India's Northeast became "saddled with an unlikely territorial shape, linked to the rest of India only by a narrow corridor between Nepal and East-Pakistan / Bangladesh" (Van Schendel 2011: 32). Van Schendel continues: "The idea of an exclusive homeland for South Asia's Muslims had created this isolated territory [India's Northeast] as much as it had created neighbouring East Pakistan / Bangladesh" (ibid.). Seen thus, India's Northeast, as a region and a borderland, is therefore "the residual fallout of colonial politics and administration" (Phanjoubam 2009: 158).

Much of the research (and policy) attention that goes to India's Northeast is absorbed by its international borders, especially after the Central Government endorsed a Look-East Policy, which broadly aims to connect the region, through a network of roads and railways, to budding markets in Southeast Asia. This scholarly interest in its international boundaries corresponds to a wider recent interest in borders, borderlands, and borderlanders in South Asia (Van Schendel 2005; Gellner 2013). This new strand of research is of vital importance – especially in putting to rest the "methodological nationalism" (Gellner 2012) that has long blurred our academic gaze. In this article we posit that India's Northeast must equally be understood as an *internal* borderland as the region

is crisscrossed by an array of internal borders, and not just, as we will illustrate, political ones.²

Commenting on the question whether India's Northeast is landlocked, Prabhakara (2004: 4606) noted perceptively:

“While whether the north-east is landlocked or not may be a matter of perspective and interpretation, the most emphatically undeniable reality is that the seven constituent states of the region are internally locked – themselves locked and locking out others, unable to connect with each other physically in terms of poor transport links, and more seriously unable to make connections intellectually and emotionally with their closest neighbours, or even with and among their own people.”³

Rather than focusing exclusively on the region's international boundaries, Prabhakara's statement rightly highlights the absence of local connections and the importance of boundaries *within* the region.

In the next section we'll illustrate, although mostly in anecdotal form, how state borders, as well as those of autonomous councils within states, constitute crucial sites of contestation in the region. They are crucial not just because they often reflect ethnic sentiments and notions of longing and belonging, but also because such borders structure flows of state resources. For these, and other, reasons the demarcation of *domestic* borders intermittently culminate into border tensions, political gimmicks, and occasional violence. Given their local importance, the political clashes and struggles they evoke, and the multiple ways in which they impinge on the lives of many Northerners, such domestic borders require better scholarly treatment than they currently receive. In the second section we will embark on an exercise meant to expand and complicate our conventional understanding of what constitutes a border in India's Northeast. We seek to do so by pointing to the presence of multiple less tangible, but nevertheless often very real boundaries that criss-cross the region – among them: fiscal, legal, and emotional boundaries. Such borders do not usually appear on

maps but, we posit, are underpinned by the wider “border-logic” of both dividing and connecting territories and peoples.

The Borders Within

“We should write to the Chief-Minister of Assam, telling him to vacate his official residence and hand over the land to Meghalaya or start paying house rent to Meghalaya”

An MLA on the floor of the Meghalaya State Assembly

This polemic move was made on the floor of the Meghalaya Legislative Assembly in 2012, and quoted widely in newspapers (*Times of India* 12/03/2012). The official residence of Assam’s Chief Minister was built on disputed territory, located on a swathe of land, the Meghalaya MLA insisted, that belonged not to Assam but to Meghalaya. The Assam Government denied the charges. As it stands, both state governments disagree on the territorial jurisdiction over at least a dozen patches of land dotted across the Assam-Meghalaya borderland. This Assam-Meghalaya border disagreement is no exception in the region. Except for Sikkim, all Northeastern states share parts of their borders with Assam, and nearly all of them are contested with local dailies replete with accusations and counter-accusations of territorial encroachment, of lingering border-tensions, disputes and violent outbursts.

The commanding Mizo students’ body, the Mizo Zirlai Pawl, for instance, accused the Assam Government of erecting an upper primary school inside Mizoram. Rather than seeing this as an extension of the public good that is education, they demanded immediate intervention from the Central Government against what, they insisted, amounted to territorial encroachment (*Assam Tribune* 25-02-2011). Meanwhile, fifty-six villages in Assam, of mixed population, appealed to the Mizoram Government to include them into their state. The Assam Government, one of its spokespersons asserted, had persistently neglected their development. They now hoped that the Mizoram Government would offer them a better deal (*Economic Times* 31-12-2012).

Up north, it is Assam that assumes the role of litigant as they accuse the Government of Arunachal Pradesh of extending development schemes into Assam's Tinsukia district on the pretext, according to Assam officials, of luring its inhabitants into proclaiming their allegiance to Arunachal Pradesh: "this way, Arunachal now has some control of the waters of the Brahmaputra in the plains area, something it never had, and it is causing us great concern" (cited in Hazarika 2011). It also filtered out that a number of voters in the district were enrolled on the electoral lists of both states (*ibid.*). To Assam's east, in turn, the border with Nagaland remains tense. In 1971, the Nagaland Government rejected the border delineation proposed by the Sundaram Border Committee (as well as a later proposal by the Shastri Commission (1985), objecting that it did not conform to "Naga ancestral land." Border tensions and violence flare up intermittently since.

There are many more examples of jousting and skirmishing over state borders within India's Northeast, but the ones presented here perhaps suffice to assert that, within the region, state boundaries constitute prime sites of contestation. Such contestations often carry long histories. In a way, the post-colonial political and administrative history of India's Northeast is a history of containing and accommodating demands for secession and autonomy. What was imagined as 'greater Assam' in colonial times now has been divided into four states – Arunachal Pradesh, Nagaland, Mizoram, and Meghalaya. Most of these states, however, remain home to agitations for further bifurcation as the demands for "Frontier Nagaland" in Nagaland, "Sadar Hills" in Manipur, and "Achikland" in Meghalaya illustrate. In addition, Northeastern states are further fragmented by a couple of dozen autonomous councils, or, put differently, "states within states", based on notions of ethnic belonging such as the Bodoland Territorial Council, Chakma Autonomous District Council, and the Tripura Tribal Areas Autonomous District Council, while more are currently being agitated for.

From a fiscal point of view, Northeastern states are so-called "special category" states, which entails that they receive preferential

treatment in terms of government grants and loans. This preferential policy is also extended to the various autonomous councils. Such smaller administrative units come with a devolution of political and administrative autonomy, a large number of reserved government jobs, and a much larger flow of development monies. While such devolution of powers is thought to benefit local communities, in a multi-ethnic setting like India's Northeast it must simultaneously be remembered that "one man's imagined community is another man's political prison" (Appadurai 1990: 6). For instance, only about twenty-five per cent of the total population in the Bodo Territorial Council is actually Bodo (Singh 2008: 1110). Despite manifold administrative arrangements, it must still be noted that the region's ethnic map in many cases fails to correlate with state boundaries. The case of the Zeliangrong community is telling. While represented as a single community today, they currently live divided between Nagaland, Manipur, and Assam (cf. Longkumer 2010), and thence are subject to three different state machineries.

Post-colonial conflicts in India, Khilnani (1997) argues, are first and foremost conflicts over access to state resources. Such conflicts are especially rife in India's Northeast, and compared to other parts of India agitations for new states have been remarkably successful in the region, which shows in the region's highly fragmented territorial organisation. To illustrate: the eight states that comprise the region are, when measured together, still smaller in size than some single Indian states like Maharashtra or Rajasthan. In terms of population too the whole of the Northeast has about three times less inhabitants than Uttar Pradesh, the most populous state of the Indian polity. But borders within India's Northeast are not only proportionally more in numbers, they are also different in kind. Contra to India's "Mainland" - where India's federalism is not marked by *de jure* asymmetry as special provisions and rights have been allotted to so-defined "vulnerable groups" in the society rather irrespective of where they reside (Tillin 2007) - certain tribal territories in India's Northeast enjoy special provisions, augmented layers of autonomy, and extra protective arrangements, rather irrespective of who reside there.

In a final word, while the multitude of territorial claims within India's Northeast tend to be framed in notions of identity and belonging, they, says Khilnani (1997), are often claims for more access and control over state resources. This does not mean that such community assertions are purely instrumental, far from that, but what they nevertheless show us that the post-colonial state has unleashed certain forces – development budgets, government jobs, affirmative action, and the reorganization of states – which have proven most accessible through the politics of identity and belonging, and which leads to continuous contestations about political and administrative borders within the region (Subba and Wouters 2013: 204).

Less Tangible Borders and their Regimes

Borders are usually associated with geographical places, with thick strokes drawn on political maps and whose locations are then enacted into physical landscapes through territorial symbols like flags, signboards, boundary stones, fences, and gates. If such a border is international in composition the area is often patrolled by soldiers on both sides, while traveling across is subjected to custom checks and passport regimes. Here we seek to expand this conventional understanding of borders by pointing to the presence of different kinds of “borders”, ones that may not be readily visible but nevertheless impinge on the everyday lives of many Northeasterners. These borders – legal, emotional, fiscal, and liquor borders, as well as inner-lines – cannot be found on conventional maps, and may also not always be clearly etched into the landscape but nevertheless divide and relate territories in ways similar to political and physical borders. In the pages that follow, we mostly point to the existence of such other borders, and propose the need for its further study.

Legal Borders

India's Northeast is home to a variety of Constitutional amendments, special provisions, and extra-constitutional laws,

which are territorially framed and therefore apply to certain parts of the region, to the exclusion of others. This has culminated into the fragmented *legal landscape* that India's Northeast is today. For the state of Nagaland, for instance, article 371A of the Constitution reads:

“Notwithstanding anything in this Constitution, no Act of Parliament in respect of religious or social practices of the Nagas, Naga customary laws and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides.”

Nagas, however do not live in Nagaland alone. They also reside, in large numbers, in Manipur, Assam, and Arunachal Pradesh (as well as across the border in Myanmar). While the Indian Constitution provides certain leverages of autonomy to Naga inhabited areas outside Nagaland, these are nowhere as explicit and extensive as within Nagaland. Consequently, the Nagas living inside Nagaland enjoy comparatively higher levels of state protection and the opportunity to arrange their everyday lives in accordance with traditions and customary dispositions compared to Naga communities residing outside the state, even though these communities may be equally Naga.

Such legal fragmentation becomes more acute when territorially-defined laws inhabit punitive measures as applies to the Armed Forces Special Powers Act (AFSPA) which bestows extra-constitutional powers unto military and paramilitary forces in their attempt to contain insurgencies. This law, for one, empowers a soldier to “fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order... arrest without warrant any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit...” But while the reach of AFSPA is territorially delimited, the forces they purport to fight are often highly flexible and fluid. Thence while a soldier might

find himself possessing extra-constitutional powers to counter a certain so-called insurgency group in one part of India's Northeast, he may not possess such leverages in another, even though the same insurgency group may readily shift camps and operations across territories.

From a local peoples' perspective, a citizen in, say, Manipur or Nagaland, where the AFSPA is in force, might be subjected to levels of military arbitrariness without being able to (legally) protest – as the ASFPA usually guarantees impunity for soldiers – while a citizen in, say, Meghalaya, where the AFSPA is not in force throughout its territory, might find herself with more individual rights. Perhaps more confusing are cases in which the AFSPA is in force in certain parts of the state but not in others as appears to be the case in Meghalaya where it is in force up to twenty kilometers from their border with Assam (*The Hindu* 07-11-2013). Consequently, not only is the legal map of India's Northeast fragmented with different laws and legal regimes in force in different areas, but even a single Northeastern state might find itself subjected to differential legal configurations.

Emotional Borders

Prabhakara's (2004: 4606) lament, cited earlier, that inhabitants of different Northeastern states are "unable to make connections intellectually and emotionally" also exists in its reverse as a certain community in one state might profess kinship, intimacy, and belonging to a community in a neighbouring state while maintaining more antagonistic relations with ethnic groups within their own state. This is said to be the case for Nagas with nationalist Naga groups demanding the physical integration of Nagaland with parts of Manipur, Assam, and Arunachal Pradesh to create a larger territorial unit called Nagalim, a prospect that the governments of Manipur, Assam, and Arunachal Pradesh reject as an assault on its territorial integrity (cf. Wouters 2016).⁴ Aspirations and contestations over Naga boundaries are many, but in case such a redrawing of state

boundaries would not happen, so Nagaland's (then) Chief Minister Neiphiu Rio reasoned: "there could be emotional integration of Naga people" (cited in *Times of India* 19-10-2012). Such "emotional integration" would allow Nagas to nourish a common sense of belonging and destiny – which could, in Rio's view, then in some way be institutionalised – without altering existing state boundaries. Instead of boundaries hewed in stones and check-posts, this "emotional" rather than "physical" integration would first and foremost be a matter of the senses, of popular imagination, creating a *territory of affection*.

In bits and pieces, such a territory of affection has already materialised; the Naga Hoho, for instance, is a Naga apex body that seeks to represent all Nagas irrespective of the states they reside in. The Naga Student Federation (NSF), too, considers as its jurisdiction all Naga-inhabited areas, and not merely the state of Nagaland (although the NSF has been fractured in recent years by the creation of the Eastern Nagas Student Federation (ENSF)). For Rio, such a territory of affection could even extend across the international boundary with Myanmar, where large numbers of Nagas reside. Noting that the material conditions of Nagas across the border are comparatively lagging behind, Rio proposed that Nagas on the Indian side of the border work for the welfare of Nagas living in Myanmar (*Nagaland Post* 16-01-2009).

Fiscal Borders

After legal, and emotional borders, India's Northeast also knows divergent regimes of taxation, in which the question of whether one has to pay taxes does not merely depend on one's income but also on one's ethnicity and place of residence, thus providing yet another border regime. Based on perceived notions of backwardness, India's Income Tax Act exempts certain communities in certain parts of India's Northeast from paying income tax. Under Section 10(26) of this Act members of a recognised Scheduled Tribe within the following areas: North Cachar Hills, Karbi Anglong,

Bodoland Territorial Areas District, Khasi Hills, Jaintia Hills, Garo Hills, Arunachal Pradesh, Manipur, Mizoram, Nagaland, and Tripura are exempted from paying income tax, provided however that the person resides in that area and accrue his or her income from that area. Being of Scheduled Tribe status is therefore not a sufficient criterion for tax exemption as it also depends on the territorial location from where one's income is derived.

The territorial component in this act might lead to puzzling situations. Imagine, for instance, a scenario of two adjoining tea-plantations, both owned by a member of a Scheduled Naga tribe. The fence dividing the tea-plantations, however, also happens to be the border between Nagaland and Assam, which, in certain parts, is also a border between tribal and non-tribal territories. As a result, the Naga-owner of the plantation situated in Assam would have to pay tax over his income whereas the Naga whose plantation is located just across the border in Nagaland is exempted from so paying. For obvious reasons, this can lead to profound confusion. This made R.K. Gupta, the Chief Commissioner of Income Tax for Northeast India assert that “the exemptions given to Scheduled Tribes (ST) under section 10(26) of the Income Tax Act are not blanket exemptions but subject to certain conditions” (cited in *The Telegraph of India* 23-02-2012). He continued: “In many cases, people of ST status not residing in these areas [territories defined as ST-dominated] claim exemptions of crores... The general perception is that in the case of Scheduled Tribes, no enquiry or details can be asked. But this is wrong. The claimant is required to prove that he has earned the income from the specified area (ibid).” What has emerged, in terms of income tax, is a complex set of fiscal arrangements and exceptions based not merely on what one earns, but also on what community a person belongs to, and in which territorial place one's income is accrued, thence adding another territorial layer to the already multi-layered landscape of the region.

There also exists another “fiscal map” in the region, one which is more obscure and persists in the form of taxes levied by a

host of “underground groups” which variously seek Independence, statehood, or a re-drawing of state boundaries. Their areas of taxation do usually not overlap with state boundaries. The National Socialist Council of Nagalim (in its various, rivalling factions) levy taxes among the people it claims to represent, and which comprises an area divided between Arunachal Pradesh, Assam, Manipur, and Nagaland. Generating revenues to uphold their struggle is ostensibly the prime objective of this. However, this implementation of a regime of taxation over the length and breadth of an area which they claim is theirs but which does not appear as unitary in any officially endorsed map might also serve them in adding flesh to the bones of their territorial claims. Similarly, the taxation of movement, in which passing trucks and buses are routinely stopped by NSCN forces and are obliged to pay tolls in order to proceed, is not just a source of income; it is also part of a discursive process through which a *de facto* Naga map is brought into existence, one which has different boundaries than the state boundaries that appear on official maps.

Liquor Borders

While the intake of fermented brews is traditional to most Northeastern communities, three states – Nagaland, Mizoram,⁵ and Manipur – have laws that proscribe its retail. In Nagaland and Mizoram especially, this was the result of a powerful Church lobby whose pastors and deacons deemed the intake of alcohol as “sinful” and “immoral” and therefore best proscribed. As a result, parts of the Northeast are so-called “wet-states” – where alcohol is more or less freely available – while others are “dry states”, where alcohol is prohibited. This division between “wet” and “dry” states is not merely a legal boundary but, to an extent, also a moral one as the intake of liquor is not, or not to the same extent, morally disapproved by the wider society in say, the wet states of Assam and Meghalaya but condemned as morally unsound in Nagaland. Contra to emotional, legal, and fiscal borders, liquor borders are enacted into the landscape by means of excise departments dotted

across the border and whose presiding officers are assigned the task to check the influx of liquor.

Borders, however, do not just divide but also relate territories; in this instance wet-states with dry-states. While legally prohibited and subject to moral condemnation in Nagaland, a local demand for liquor exists and persists. This has led to a flourishing black market in which bottles are sold at inflated prices. This black market is highly profitable for those who control it, although, of course, not without risks. Such a black market of liquor has effectively been created – and continues to be nourished – by the very presence of liquor-borders, and their liquor-barons.

Inner-Line regimes

The final border regime we wish to discuss here is the inner-line network that crisscrosses the region and which separates spaces of “free movement” of peoples from areas of “restricted movement.” Inner-line borders are drawn into the landscape by check-posts and non-locals must apply for a special permit to be allowed to enter. For a non-local to be able to travel to Kohima, he or she first needs, Prabhakara (2004: 4608) writes, to “secure and inner line permit at the SDO’s office in Dimapur which has fixed office hours... and bureaucratic rigmarole with forms and fees could take a whole day.”

Many across India complain about the persistence of inner-lines in India’s Northeast, arguing along the lines that: “We [Indian citizens] pay taxes and a good amount of it goes to the development of places like Nagaland, Arunachal Pradesh and Mizoram, and yet we are not allowed to freely visit those areas.” There also exists a paradox: in 2011, the earlier required Protected Area Permit (PAP) which non-Indian nationals needed before being allowed to enter Nagaland was lifted. As a result, non-Indian nationals can now visit this state without the need for additional documents in ways a non-local but Indian national cannot. Historically, inner-lines were imposed to provide a territorial frame to British capital (Kar 2009: 51). More deeply, it was to “demarcate ‘the hills’ from ‘the plains’,”

the nomadic from the sedentary, the jungle from the arable – in short ‘the tribal areas’ from ‘Assam proper’” (ibid.: 52). The areas beyond the inner-line were declared off-limits for land transfers to non-tribal outsiders (Karlsson 2011: 270). While this is not the place for a historical debate on the inner-line, and how it shaped the region, it is perhaps remarkable that the idea of an inner-line, although a colonial invention, continues to evoke strong emotions, and in certain parts of the region like Meghalaya (cf. Srikanth and Thomas 2014) and Manipur, where currently no inner-line is in force, local agitations are taking place to (re)impose one.

When analysing its workings, it appears that an inner-line resembles closer an international border than a state border as its crossing is subject to identification and a “pass” akin to a visa. Again akin to a visa, acquiring this pass cannot be taken for granted as the reason and stay of the proposed visit has to be approved by local authorities. While state and inner-line borders usually overlap, this is not necessarily the case. In Nagaland, a non-local can visit Dimapur, the commercial hub perched on the Nagaland – Assam border without applying for an inner-line, which only becomes necessary when the non-local visitor wants to venture into the hills. In fact, the inner-line gate of Dimapur – which forms the main entrance into Nagaland – is positioned roughly twenty-kilometers inward from the state-boundary.

Conclusion

In this article we have argued towards the recognition that India’s Northeast is as much an *internal* borderland as it constitutes an international borderland. Compared to other parts of India, India’s Northeast is territorially highly fragmented, both by visible borders between states and autonomous councils as by a host of less tangible, less conventional but nevertheless very real demarcations such as legal, emotional, fiscal, liquor, and inner-line borders. Such less tangible borders, the ways they impinge on everyday lives, still remain little understood, and deserve much better scholastic attention than they currently receive.

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Notes (Endnotes)

- ¹ In a now classic thesis, the Thai historian Winichakul traced the making of the modern Siamese, now Thai, nation to the discursive construction of a modern map in which Siam appeared, for the first time, as a neatly demarcated and coherent territory. This map was not an abstraction of something that already objectively existed, but, to the contrary, the map itself anticipated and helped imagine spatial reality. Winichakul writes: “the knowledge about the Siamese nationhood was created by our modern conception of Siam-on-the-map, emerging from maps and existing nowhere apart from the map” (1994: 17). However apt this argument might be in various settings, the North-East of India appears to provide a contrary case. While the region is obviously an integral part of any political map of India, a great deal of confusion seems to exist among a large body of Indian citizens about its inclusion in the polity and about the peoples living there (Wouters and Subba 2013).
- ² Methodological nationalism, in Winner and Shiller’s (2002:3) definition, is ‘the assumption that the nation/state/society is the natural social and political form of the modern world’ with scholars tending to limit their studies and theorizing to particular political borders, in the process failing to recognize the social bonds, historical relations, and linguistic, cultural, and ethnic affinities that may exist across political boundaries, e.g. in our case between Nagas residing in India and those in Myanmar.
- ³ While in the popular imagination India’s Northeast is made up of seven states, formally at least it also includes Sikkim, making it tally eight rather than the seven Prabhakara mentions.
- ⁴ While ultimately nationalist Naga leaders envisioned Nagas living in present-day Myanmar as also belonging to Nagalim, in recent years their focus has been first and foremost on Nagas on the Indian side of the border. For instance, while the NSCN-IM, arguably the largest underground force today, has a ceasefire and negotiates with the Indian Government, it has none of these with the government of Myanmar.
- ⁵ Mizoram repealed its Prohibition Act in 2014, after a period of 17 years.

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