

## **Chapter VI**

### **IMPORTANT ISSUES AND ST MLAs**

**(Specific)**

The movement for ethnic autonomy has emerged as a very serious challenge to the Legislators of Assam. The signing of Assam Accord on 15th August 1985 by the representatives of the All Assam Students' Union and All Assom Gana Sangram Parishad with the Governments created a congenial environment for launching movement for ethnic autonomy very forcibly by the Plains Tribals communities of Assam. The initiative has been taken by the Bodo community. However, Assam has experienced similar movements launched by the residents of the hill districts of the State causing creation of district based states of Nagaland, Mizoram, Meghalaya and Arunachal Pradesh. These may be called ethnic based states also. I have made an attempt to highlight these issues very briefly-

#### **Self-development and Ethnic Autonomy**

The contemporary Assam is facing a new problem in addition to the demands for ethnic autonomy and separate state made by the Plains Tribals of Assam. The new problem is the demand for recognition of Koch Rajbanshi, Tea Tribes, Ahom, Chutia, Mattak and Moran communities as Scheduled Tribes. The philosophy behind this demand is to achieve self development through this recognition. All these communities belong to Other Backward Classes and more other Backward Classes and thereby the problem of self development and ethnic autonomy is covering a large section of the society in Assam and emerging as a

serious challenge to the ST as well as general Legislators of Assam as decision makers.

### **Bodos**

Due to the political injustice and economic exploitation from the Central and State Government since independence there is serious resentment among the tribal and other indigenous people of Assam. There is a question of identity crisis among these communities. There is a tendency among these communities to self-develop themselves. The people lost faith on the political leaders. So the student and the youth organizations took up the issues of self-development of their own tribes and ethnic groups.

The demands for self-development for which student and youth movement are launched by different tribal and ethnic student and youth organizations are

All Bodo Students' Union (ABSU) in its 92-point charter of demand sheet, besides other issues, demanded creation of Regional Council for non-Karbi tribes in Karbi Anglong Autonomous District Council, creation of District Councils in the tribal compact areas of Southern Valley of Brahmaputra in Assam, and creation of separate State with the status of Union Territory in the north bank of Brahmaputra for the plains tribal people of Assam.

The demand for a separate state for the plains tribal people of Assam was born with the then Prime Minister of India Late Indira Gandhi's announcement on the 13<sup>th</sup> January, 1967 that Assam would be reorganized on the basis of Federal structure. With such objective, enthusiasm and initiative All Bodo Students' Union (ABSU) was formed on the 27<sup>th</sup> February, 1967 at Rongjasali Hall, Kokrajhar. Since then All Bodo Students' Union (ABSU) had been actively supporting PTCA in demanding separate state till the Plains Tribal Council of Assam leaders betrayed the cause of separate state in 1977.

The Plains Tribal Council of Assam (PTCA), for the first time submitted Memorandum to the then President of India, Dr. Zakir Hussain on the 20<sup>th</sup> May, 1967 at New Delhi for the creation of an “Autonomous Region” for the Plains Tribal people of Assam. The demand gradually got momentum and thus Autonomous Region was upgraded to the demand of “Union Territory” which was nomenclatured as “UDAYACHAL” on the 7<sup>th</sup> January, 1973. The demand for a separate state ran to the highest level in the hearts of Bodo youths and the public in the year of 1972 and 1973. But then came the well-known Roman Script Movement for Bodo language in the year of 1974-75 which was also immediately misunderstood by certain quarters as a part of the movement for a separate state. Then came the Emergency period in 1975-76. The PTCA leaders completely stopped all political activities, even they suspended the demand of separate state to escape arrest during emergency. After emergency, came the wave of Janata Party. The PTCA leaders, bargaining for political power, made electoral alliance with the Janata Party in 1977-78. The PTCA leaders Samar Brahma Choudhury, the Vice President of the party was returned to the Legislative Assembly and Charan Narzary, the party General Secretary was also returned to Parliament. But suddenly, shocking to the tribal masses the two PTCA leaders announced on the 4<sup>th</sup> April, 1977 that the PTCA had given up the demand of UDAYACHAL. They wanted to experiment only with the concept of Autonomous Region. The announcement was greeted by strong reaction by the party hard-liners, the youth and students of ABSU. They pressurized the PTCA leaders not to give up the demand of UDAYACHAL, the two PTCA leaders were reluctant to accept. Thus the two PTCA leaders belied the people’s political aspiration of a separate state. The young PTCA was also dissolved undemocratically by the two bosses of PTCA.

Samar Brahma Choudhury, PTCA leader got the Cabinet Ministership for Forest in the State Assembly and thus completely gave up the demand of

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Udayachal. When Janata Ministry was toppled down Samar Brahma Choudhury again joined Keshab Gogoi's Congress(I) Ministry which unfortunately lasted for only one day. On the other hand, Charan Narzary, then MP denounced the demand of Udayachal on the floor of Parliament. Once again, the PTCA leaders made electoral alliance with Asom Gana Parishad (AGP) in the 1986 election for bungling for political power. Narzary returned to the Legislative Assembly and Brahma Choudhury returned to the Parliament. Samar Brahma Choudhury once again reiterated the demand for Autonomous Region, styled as Udayachal, on the floor of the Parliament. The ABSU vehemently opposed the demand of Autonomous Region for its ineffectiveness. The two leaders of PTCA were also never again interested to launch a continuous, concerted and vigorous mass movement for a separate state.

On the other hand, the hardliner party workers, youths and students formed another political party, the Plains Tribal Council of Assam (Progressive) on the 22<sup>nd</sup> May, 1979. PTCA(P) for the first time submitted Memorandum to then Prime Minister of India, Late Indira Gandhi on the 8<sup>th</sup> July, 1980 at New Delhi demanding a separate Union Territory with a nomenclature of MISING BODOLAND. The PTCA (P) leaders submitted memorandum to the Government of India on a number of occasions demanding a separate Union Territory. Then for the first time PTCA (P) staged a huge demonstration in the Boat Club in New Delhi from 19<sup>th</sup> to 22<sup>nd</sup> April, 1983 on demand of separate homeland "Mising Bodoland" and submitted memorandum to the then Prime Minister Late Indira Gandhi on 22<sup>nd</sup> April, 1983.

Meanwhile, the ABSU had been taking keen interest for unification of PTCA and PTCA(P) since 1979, but, unification did not take place. The ABSU did not give up the idea of unification and as such it organized a convention of all tribal organizations from the 17<sup>th</sup> to 19<sup>th</sup> April, 1984 at Harisinga in Darrang

District of Assam, wherein the PTCA(P) was dissolved and a new political party United Tribal National Liberation Front (UTNLF) was formed on the 19<sup>th</sup> April, 1984 under the Chairmanship of Mr. Binoy Khunggur Basumatary, MLA. The UTNLF first submitted memorandum for separate Union Territory to the then Prime Minister of India, Late Indira Gandhi on the 2<sup>nd</sup> May, 1984 in New Delhi giving nomenclature of "TRIBAL LAND" to the proposed Union Territory. The UNTLF met the Prime Minister late Rajiv Gandhi on a number of occasions and submitted memorandum for a separate homeland for plains tribals of Assam. The UNTLF also submitted memorandum to the Prime Minister late Rajiv Gandhi on 10<sup>th</sup> July, 1985 & 31<sup>st</sup> July, 1986 demanding for creation of a homeland.

Since 1967 ABSU has also been submitting memorandum to the central leaders particularly to the President, the Prime Minister and the Home Minister of India a number of times. The ABSU submitted memorandum to the Prime Minister late Indira Gandhi demanding a separate state on the 9<sup>th</sup> November, 1972 while she visited Shillong. A delegation team of ABSU also submitted memorandum to the Prime Minister late Indira Gandhi in June, 1980 at New Delhi and held a detailed talk on the demands. In 1980 itself, when late Giani Zail Singh, the then Home Minister of India visited Guwahati, the ABSU delegation submitted memorandum on demand of separate state at Jawaharnagar, Guwahati. In 1983 again the ABSU submitted memorandum to the then Prime Minister late Indira Gandhi demanding separate state after the turmoil of 1983 election in Assam.

On the 10<sup>th</sup> July, 1985 again an ABSU delegation team met the Prime Minister late Rajiv Gandhi at New Delhi and submitted memorandum urging him to create a separate state for the plains tribal people of Assam. Again an ABSU delegation met S. V. Chavan, the then Home Minister of India on the 8<sup>th</sup> August, 1985 and submitted memorandum urging him to create a separate state along with

the solution of Foreign Nationals Issue in Assam while he visited Guwahati to have opinions of various organizations on the Foreign Nationals Issue.

An ABSU delegation team under the leadership of its President Upendra Nath Brahma met the Prime Minister of India late Rajiv Gandhi on the 22<sup>nd</sup> January, 1987 at New Delhi and submitted a detailed memorandum for creation of a separate state with the status of Union Territory for the plains tribal people of Assam in the Northern tract of Brahmaputra Valley. The delegation also met the Home Minister Mr. Buta Singh, talked and submitted memorandum of a separate state, even as Union Territory, on the 24<sup>th</sup> January, 1987 and submitted memorandum to the President of India late Giani Zail Singh at the Rastrapati Bhawan, New Delhi on the 30<sup>th</sup> January, 1987.

The ABSU also submitted 92-point memorandum to the Governor of Assam and Meghalaya Bhisma Narayan Singh at Raj Bhawan, Guwahati on the 10<sup>th</sup> January, 1987 and also to the Chief Minister Mr. Prafulla Kumar Mahanta on the 1<sup>st</sup> January, 1987 at Janata Bhawan, Dispur.

Besides the demand for Union Territory, the ABSU has also other political demands such as creation of District Councils under the provisions of the Sixth Schedule of Indian constitution in the Tribal Compact areas on the south bank of the Brahmaputra of Assam and inclusion of Bodo-Kacharis of Karbi Anglong into the Sixth Schedule of Indian constitution. The District Councils on the south bank of the Brahmaputra are meant for minimum protection of Bodos and other tribals who will live in Assam after the creation of Union Territory on the north bank of the Brahmaputra.<sup>(2)</sup>

### **Current Demands of ABSU**

Demand for immediate creation of a separate state of Bodoland bifurcating present territorial map of Assam, comprising the predominantly tribal inhabited

areas on the northern bank of the river Brahmaputra under the foothills of Bhutan and Arunachal Pradesh from the Assam – West Bengal border (Sonkoch) in the West upto Sadiya in the East to ensure political and constitutional rights of the Bodos and other tribes living in those areas is the current demand. Since the BJP led Government at the Centre has already mooted out a policy to reconstruct the nation by distributing political and administrative power by creating more number of new States within the framework of Indian constitution. The formation of Uttaranchal, Jharkhand and Chattisgarh in UP, Bihar and MP respectively have been announced to come into existence from 1st November 2000. ABSU strongly urges upon the Union Government of India to create a separate Bodoland State.

It is an established fact that the Bodos have been launching democratic mass movement since many decades back to press the demand for creation of a separate state of Bodoland. The Bodos had accepted the concept of autonomy offered by the Government of India and had already given fair trial over the autonomy concept. ABSU feels that time and again it has been proved that the degree of autonomy provided to the Bodos is inadequate to meet the genuine hopes and aspiration of the Bodo people. Since nothing short of a separate state of Bodoland can bring about permanent solution of the Bodo problem, ABSU would like to urge upon the Government of India to take a serious and effective move to concede their demand for creation of a separate state of Bodoland to ensure the survival and existence of the Bodos and their safety, security and all round development.

#### **Inclusion of Bodo-Kacharis living in Karbi Anglong and North Cachar Hills Districts in the ST (Hills) List**

The Bodos have been enjoying a status of ST all over the country as per the Constitutional provisions of India. But the application of the same Constitutional provision has been restricted in the hill areas of Assam particularly in Karbi Anglong and North Cachar Hills Autonomous Districts, depriving the Bodo-

Kacharis living in those two districts from being recognized as Schedule Tribe (Hills). It is worthwhile to state that after long democratic movement launched by the ABSU and the banner organization of Karbi Anglong, the concerning two District Councils authorities have recently recommended the matter to the Government of Assam for consideration. Accordingly the Government of Assam has also recommended the same to the Government of India and the Governor of Assam Lt. Gen. (Retd.) S. K. Sinha, PVSM in his address made in Assam Assembly during Budget Session, 1998 formally mentioned about the recommendation. The issue is at present in the hands of the Central Government,

### **Creation of two Autonomous District Councils on the Southern Bank of the river Brahmaputra**

Another demand of ABSU is creation of two Autonomous District Councils on the southern bank of the river Brahmaputra under the Sixth Schedule of the Indian Constitution. Specifically, one comprising of the tribal populated areas of Kamrup and Goalpara districts and the other one comprising the tribal inhabited areas of Morigaon and Nagaon districts of Assam for all round development of the tribal people living therein.

### **Amendment of Section 4(b) of People's Representation Act, 1951**

The fourth demand of ABSU is an amendment of the Section 4(b) of the People's Representation Act, 1951 in order to retain the minimum Constitutional safeguard accorded to the plains tribals of Assam. It is a worth mentioning fact that because of some loopholes in the said section the political rights and constitutional safeguard provided to the plains tribals of Assam are being endangered.<sup>(3)</sup>

#### ***(a) Inclusion of Tea and ex-Tea tribes of Assam in the State List as ST***

The Tea and ex-Tea tribes population of Assam constitutes almost 25% of the total population of Assam. These people have been brought by



the British Tea Planters long before Independence to Assam to work in the tea industries. They are originally from Bihar, Orissa, Madhya Pradesh, Andhra Pradesh and Uttar Pradesh. Although these people have settled in Assam for more than a century, they are still tribal culturally, socially and economically. In the past, various Committees appointed by the Government of India visited Assam to probe the socio-economic condition of these people and found that they still live in their old traditional ways. They observed their social customs of marriage, birth and death in their primitive form. They have still retained their mother-tongue of their individual tribes and used "Sadri" or "Sadani" as lingua-franca amongst the tribes. All these facts prove out that in Assam they have retained their character and culture even today.

The opinion of various Committees and Organizations in favour of the Constitutional demand of the Tea and ex-Tea Tribes of Assam for scheduling are quoted below :

The Census Report of 1931, Vol.3, Assam Part I, Page 222 reveals : "Coolies in Assam form however separate class of the population no matter what castes or tribes they belong to and hence it seems best to treat all coolies, castes and tribes under one heading, for all have common characteristics and that in Assam a coolie is always a coolie and whether he works in a garden or whether he has left the garden settled down as an ordinary agriculturist, his social position is nil. Indeed from any point of view, the social position of coolies and ex-coolies is worse than any class in the province. Their education is terribly backward, they have no recognized leaders or associations to press their claims or to work for their social advancements.

- b) *The Dhebar Commission* : The Government of Assam has consistently opposed any change in their status on the ground that it would seriously disturb the local political picture.
- c) *The Report of Lakur Committee* : It is unfortunate to note that the State Government of Assam which is responsible for de-scheduling of these tribes in free India has been consistently opposing their inclusion as ST and SC on the ground that it would seriously disturb the local political scheme.
- d) *The Report of A. K. Chanda Committee (Chairman of SC and ST (Amendment) Bill, 1967 SC/Tribes Labourers in tea gardens of Assam)* : The Committee had accepted with overwhelming votes that the STs who have migrated from Madhya Pradesh, Bihar and Orissa and settled down in Assam should be recognized as the ST. It is mentioned in the report that the Ministry of Social Welfare is opposed to this policy and he may perhaps move an amendment for excluding these Tribes from the Schedule. We think, it was not necessary to make such observation in the report. As we have already stated that there is no change in the social conditions of the persons who migrated in large numbers from one state to another and settled down. They have carried along with them and retained tribal characteristics and their way of life. These tribes were recognized as ST even in Assam before 1947. But after 1947, these tribes were de-scheduled not because of any principle, but purely on the political grounds. The Lakur Committee in their report have observed that the Government of Assam has consistently opposed any change in their status on the ground that it would seriously disturb the local political picture.

It means that the Government wants to perpetuate the ignorance, backwardness, and poverty of tribal people only because that it will disturb the

political pattern in the State. This objection is not valid and is against the principle of social justice and social equality. We will urge the Government to respect the views and sentiments of the overwhelming majority of the Committee which decided in favour of the inclusion of these communities in the Schedule and not to make any change when the Bill will be considered by the Parliament. In case, the Government is bent upon de-scheduling these tribes then the Government of Assam as well as the Government of India should shoulder the responsibility of providing these tribes the same educational facilities and reservation in services which are available to the SC and ST. Otherwise, the Government will be doing great harm and injustice to these communities.

Again the members of these Committee's gave their opinion in page XLVI: "People belonging to such ST as have migrated from other States to Tea Plantation Areas in Assam or who are working there for the last three generations haven't so far been included in the list of Assam. Even after a lapse of 72 to 80 years after their migration, these labourers are striving to their racial characteristics, they live in groups secluded from masses and feel shy in mixing up with other people. They could not be included in the list on political ground only, the decision of the Joint Committee to include them in the Tribal List of Assam State on the basis of facts, ignoring the petty politics is welcomed. The efforts of the Central Ministers to get this decision changed would be considered unfair as they are based on political grounds.

## **MISINGS**

### **General Observation**

The Misings are a hard working and peace loving community and these two human qualities should have ensured there progress and prosperity. But inspite of there ceaseless toil and their peaceful coexistence with other neighbors, they have remained lamentably poor and backward, chiefly because of indifferent attitude of

the state Government. Being backward in every respect the Misings have not been able to compete with other advanced people. Therefore, instead of making speedy progress, they have fallen further behind their neighbours.

The Constitution and the Rules and Regulations are made by the Union and State Governments to promote education and economic interest of the members of Scheduled Caste and Scheduled Tribes and other backward classes and to protect them from exploitation. The All Mising Students' Union (TMPK in Mising terminology) complains that either of these provisions have not been implemented at all or they have been implemented only half heartedly. And this is the reason for the largescale agitations of the Scheduled Tribes, which have turned violent in some areas creating serious law and order problems.

### **Problems of Flood and Landlessness**

The Misings are landless in their homeland. Since cultivation is the only means of livelihood for the Misings and their welfare, they require adequate land for cultivation. The mounting problem of landlessness over the years has resulted in a serious threat to the very existence of the Mising community. Some of the factors responsible for this serious situation are noted below.

The Misings have mostly been inhabiting on the bank of the river Brahmaputra and its tributaries and as such, fall easy victims of erosion and devastation caused by recurring floods. Vast fertile riverine tracts which yielded the best crops of Assam have disappeared in the process, rendering the Misings landless and homeless. Needless to say, as the Misings are a riparian community, they have been the worst victims of recurring flood and erosion.

Being rendered landless and homeless, large sections of the Mising people seek shelter and livelihood in uninhabited forests. But, here too, they become helpless victims of eviction operations conducted ruthlessly by the administrative

machinery of the Government of Assam. The so called relief and rehabilitation measures, on the other hand, remained always beyond the reach of the unfortunate Mising people because of the vicious circle of the red tapism and corruption.

They lamented that although the Misings have been living here in the Brahmaputra valley since the ancient times, they have not been given permanent settlement rights. And, this injustice is being done by people who came to live in Assam much later. Because of the lack of permanent settlement rights, the Misings have not been able to obtain loans and other benefits from banks as well as Government sources, for which it has not been possible for them to take up commercial or industrial enterprises for their economic upliftment.

### **Employment Situation**

Article 16(4) of the Constitution of India empowers a State Government to make "any provisions for their reservation of appointment and posts in favour of any backward classes" which also includes Scheduled Tribes. The Government of Assam vide its circular No. AAP 66/63382 dated 24th August 1963 made a 10% reservation of vacancies in service and posts. More than a decade over the circular was issued, records show that the representation of tribals in various departments of the Government hardly went up to 50% of the reserved quota.

### **Education**

As a result of the voluntary efforts made by the Mising themselves, primary and secondary schools, and also a few colleges, have come up in Mising village and localities. But almost all these educational institutions are languishing for want of adequate financial support from the Government. The building of these institutions are in wretched condition and they have hardly any teaching aids not to speak of libraries, book bank and scientific equipment, which are so essential for ensuring the quality of education. A large number of schools and colleges in Mising villages continue to rot as "venture" institutions and the State Government

does not consider it necessary to accord departmental recognition to such schools and to sanction financial aids. In fact, repeated representations for taking over such institutions in the interest of development of tribal education have been flouted by the Government. As a result of tribal education has remained unattractive for a large section of the Mising people. No wonder, illiteracy is still rampant among them, particularly amongst their womenfolk.

Another serious consequence of all this is that the quality of education in these institutions is so poor that the number of students that passed in the University and Board examination is very low. Even those who pass are of such poor quality that they cannot compete in the examinations held for various Government and non-Government appointments. Therefore, the meagre number of youths that passed the University and Board examination remained unemployed, becoming the burden of their parents and society.

There is no technical institute of any kind in the area with Mising concentrations. In fact, in the entire north bank of Assam the only ITI is at Tezpur. There is very little scope for diversification of employment for our youths.

The percentage of seats reserved for tribal students for admission into technical and non-technical institutions is too low to accommodate all the deserving candidates, now that such a large number of students from so many tribal groups come for admission.

One of the point that irritates the tribals is that when a tribal student competes for admission his name comes on the merit list he is admitted against the reserved seat and thereby the tribals lose a reserved seat. The very spirit of reservation is violated in the process.

## **Development of Mising Language and Culture**

The Misings have a distinct language and culture of their own. As per provisions of Article 350(A) of the Constitution, it is obligatory for any State Government to introduce the use of minority languages as medium of instruction at the primary level. The Government of Assam never took any initiative in this regard. On the contrary, the Mising people had to negotiate and agitate for more than fifteen years to persuade the State Government to introduce the teaching of Mising language in primary school of Mising villages with effect from 1986. However inadequate number of teachers is remaining a serious problem till date.

## **Ineffective Flood Control Measures**

Because of the unscientific methods adopted by the Government the river beds have been getting shallower every year resulting in devastating floods. The embankments that are constructed are often weak and there are frequent breaches of such embankments in Mising localities causing untold miseries to the Mising people. It is because of such half hearted measures that the devastations caused by floods is increasing from year to year. The Government have not made any serious effort to prevent the raising of the riverbed. If the river beds continue to rise, floods are inevitable. On the other hand the construction of dams on the river sources, which could have partially solved the problem of floods, has never been taken up on a priority basis.

A tragic fallout of the devastation caused by floods and erosions is the need for rehabilitation of these uprooted peoples. Such uprooted Mising people are not properly rehabilitated. Many of them take shelter in reserved forests, where they soon face eviction by the state machinery. The few families who are rehabilitated are deliberately sent to far-flung areas away from their friends and relatives.

## **Creation of an Autonomous State**

Assam has already been truncated considerably by the creation of Nagaland, Meghalaya and Mizoram as separate states. Even Arunāchal Pradesh, though it was not administered by the Government of Assam but was a part of Assam constitutionally, has become a full state. Assam Government's lack of sympathy, negligence and indifference towards the tribals were certainly strong reasons for separation.

After losing so much of their territory and people, the Assam Government should have been more careful about the need for protecting and promoting the interest of the remaining Scheduled Tribes. The situation has left much more to be desired indifference and inefficiency of the state government has resulted in violent agitation of the Bodos for a separate state and demands for autonomous states by others. This situation will go on indefinitely unless the scheduled tribes are cared for socially, politically and economically.

Even though the Governor is empowered under the provisions of the Sixth Schedule of the Constitution to project or interfere any administrative order under Acts or Rules of the State Government affecting or directly depriving the interests of tribals, it is normally never done by the Governor or any State because of political interference and vested interests. In view of this, if autonomy is granted under the Sixth Schedule to the plains districts of tribal domination and influence, without the delegation of full financial powers including powers for all development planning, tribals will not be benefited.

The present Karbi Anglong and N C Hills districts of Assam are glaring instances of the inadequacy of the Sixth Schedule as it exists now. The Mising are therefore, convinced that the creation of a Mising Autonomous State alone will save the peace loving Mising people. Since representations, agitation and



movements have not solved the problem of exploitation and neglect of the Mising tribe and since, on the contrary, even the existence is being increasingly threatened, the only solution is that an Autonomous State of Assam in the model of Article 244(a) should be created for the Misings with Jonai, Dhemaji, Dhakuahana, Majuli, North Lakhimpur and Sadiya sub-divisions and other contiguous Mising tribal populated areas of Assam, irrespective of natural boundaries, forming the jurisdiction of the proposed Autonomous State. These sub-divisions have heavy concentration of Misings and they are also reserved Assembly Constituencies for the tribals. These sub-divisions are all contiguous to each other. The Misings firmly believed that no other arrangements other than the creation of an Autonomous State will solve the burning problems.

#### **Formation of a Standing Commission**

After formation of the Autonomous State as proposed above, there will still be a large number of Misings living outside the Autonomous State area. They will still continue to have the problems of negligence and exploitation. For them and for all other tribals, not covered by any autonomy there should be special Standing Commission or Committee with special powers to oversee the works of the various Government Departments and to compel them to implement the relevant provisions of the Constitution as well as Rules and Regulations and instructions and circular of the Union and State Government, so that there is absolutely no room for any complaint from any one. The Commission/Committee should be empowered to inspect any office and entertain any representation from any individual or organization in connection with their works.

Now the Mising people are demanding the creation of an Autonomous State to restore their own Autonomous identity and for their survival. Mising peoples should not be denied of their legitimate right to enjoy their own culture, profess and practise their own religion and the use of their own language. The rights of life, liberty and security of their nationality must be protected.

The basic question of the Misings today is survival, preservation, protection and growth of ethnic identity which are more genuine factors for demanding a federating unit with adequate autonomy and with an administrative set up on a democratic political philosophy and economic structure.

The TMPK has prepared the following note on the Autonomy to the Tribals in plains of Assam :

a) The main objective of giving autonomy to the plains tribal of Assam should be to radically change tribal administration system in order to make it easily accessible to the tribal populace, grant them political right of self-Government within the State and under definite provision of the Constitution and to bring about faster development of the remote and backward tribal areas and its populace.

At present, there are ITDP Boards at sub-divisional level, the Chairman and members of which are nominated by the State Government making it impossible for common tribal people to participate in the Board.

There are two other State level institutions meant for tribal development namely, Assam Plains Tribal Development Corporation and Assam Tribal Development Authority. The functions of these two institutions are restricted to giving short term small loans. They do not have any role in providing basic needs like health services, education, drinking water, communication etc. Besides, they are under full control of the State Government and common tribals do not have any scope for participation.

There are two State Government Acts meant for plains tribals namely, Chapter 10 of Assam Land and Revenue (Regulation) Act, 1886 to prevent land alienation and Assam SC and ST Reservation (in post and vacancies) Act, 1978, but there is no definite mechanism to enforce the law.

b) Therefore, grant of autonomy to the plains tribes is a must to protect their land, to achieve equality in political rights and social justice, to bring about unhindered development and allow them to flourish with their own language, culture and style of life.

However, they agree that this is to be done in such a manner so that the unity and integrity of the country is not disturbed and that the age old amity and cultural harmony and over all, the Assamese nationality formation process of the State is not jeopardized.

c) The Autonomous Council created by the previous Governments are on one hand devoid of any boundary and power and functions rather on the other hand designed to create division among the people on narrow lines.

d) Creation of Autonomous Council is not possible without demarcating an area for the same.

In case of the plains tribes, such area or areas could be carved out by adopting the following options :

- i) To carve out the existing TSP areas and Tribal Belts and Blocks and to adopt them as Autonomous Council.
- ii) To take a Gaon Panchayat as an unit instead of taking village as an unit and to bring all Gaon Panchayats reserved for ST (Plains) under Autonomous Council area and in doing so, it will be necessary to reconstitute with modification of area certain Gaon Panchayats in order to maintain contiguity of the Council area.

e) There is a misgiving among the public that tribal autonomy will benefit only one tribe or community after which the Autonomous Council is named. This

misgiving shall have to be removed collectively and Autonomous Council shall have to be shaped to provide protection and benefit to all sections of the people permanently residing within the Council area. It is the orientation of the Council and the law that create the Autonomous Council which will in practice, provide protection and benefit to all without any discrimination and not the name of the Council.

f) The only provision in the Constitution to create autonomy is the Sixth Schedule which provides creation of Autonomous District Council. It will be very nice for all of us if they agree upon to create Autonomous District Councils covering the plains tribal areas (i.e. TSP areas + Tribal Belts and Blocks).

g) The Misings among the other tribal communities feels deprived from political right due lacuna in the reservation policy. In Karbi Anglong, there is no reservation policy in election to the District council. They have a separate voters list for District Council and an Indian citizen shall have to permanently reside in Karbi Anglong for 12 years to become a voter in the District Council. Such laws should be made for other Autonomous Councils too and all permanent Indian residents living in the Autonomous Council areas should be free to contest election to the Autonomous Councils. This will abolish misgivings and deprivation and subjugation.

h) Power and functions of the Autonomous Councils should be a matter of gradual upgradation beginning with the powers and functions presently granted under BAC.

i) The present Autonomous Council viz, MAC, RAC and LAC should immediately be dissolved and fresh negotiation should be started with genuine representative bodies of the communities to find out an amicable solution.

j) The report of the Bhuria Committee constituted by the Ministry of Rural

Development should also be taken into consideration along with the report of the three-Member Expert Committee while striving for a solution to Tribal Autonomy problems in plains of Assam.

### **Rabhas**

The “All Rabha Students’ Union” (ARSU) formed on 12<sup>th</sup> February 1980 at Goalpara district of Assam as a socio-economic and cultural organization of the Rabha Students’ of Assam.

The ARSU has also pointed out that the Rabhas have problems like social and economic backwardness and exploitation, language and educational problems. To overcome these problems autonomy is the only solution. With this idea the ARSU having support of the Mising people demanded certain of autonomous council. Its demands are

1. a) Creation of Rabha Hasong Autonomous state by recognising the present Goalpara and Kamrup district boundary and by carving out the Rabha area under the Article No. 244(A) of the Constitution of India in the south bank of river Brahmaputra.  
b) Creation of Rabha Hasong District Council within the District of Darrang.  
c) Creation of Rabha Hasong Regional Council within the District of Dhubri, Kokrajhar, Nalbari, Sonitpur.  
d) Creation Rabha Hasong Autonomous village council in the District of Bongaigaon, Barpeta, Dhemaji, Nagaon, Lakhimpur, Dibrugarh, Karbi-Anglong and Dimoria areas of Kamrup District.
2. Reservation of 5 (five) seats for the Rabhas in the Bodoland Autonomous Council.

3. The Rabha living in Karbi-Anglong and N.C.Hills (Autonomous Districts Council of Assam) and other part of India who are not yet recognized as schedule tribes and those Rabha who are identified as "KOCHES" (Koch Rabha) should be recognized and enlisted as scheduled tribe immediately.

4. To recognize the Rabha language as medium of instruction in the school of Assam instead of state language in the primary stage.

5. Creation of a separate education Directorate for Tribal Education.

6. Facilities for broadcasting programme for 45(Forty five) minutes in Rabha language in All India Radio, Guwahati, Dibrugarh and Siliguri stations and should be provided as early as possible.

7. Facilities for telecasting Programmes for Rabha language in Guwahati Doordarshan Kendra should be provided as early as possible.

8. Active step should be taken to prepare a correct census figure for tribal areas. The Rabhas living in Assam, Meghalaya and West Bengal should be included in Rabha group of tribals in particular.

9. Protection of Tribal Belts and Blocks from non tribal illegal encroachers and creation of new ones.

10. Eviction operation upon tribal people living in different forest reserve and grazing fields should be stopped immediately and occupation of these tribal people should be regularized.

11. All the forest villages should be converted to full-fledged Revenue Village.

12. All landless and shelterless tribal people should be settled with adequate cultivable land and financial aid.

13. Reservation policies in all purposes for Schedule Tribals of Assam or other States invariably be increased from 10.1% to 25% with the full-fledged of backlog and enforced immediately.

14. A high power commission directly responsible to the Central cabinet with a power to take on-the-spot decision (even when punishment is to be awarded in case of lapses) should immediately be constituted with a time bound tenure to (a) ascertain the injustice done to the tribals and remedial measures, (b) examine the above grievances of plain tribals and recommend redressal measures.

15. Extension to tribal Sub-plan to full-fledged tribal plan for development of tribal areas.

16. Extension of special provisions for tribals in Indian Constitution for indefinite period (so long the tribal people desire).

17. Permanent solution to all border disputes between Assam-Meghalaya, Assam-Nagaland and Assam-Arunachal Pradesh immediately.

18. Stop the political assassination and extremists problem in Assam.

19. Stop the brutal murder, cruel police atrocities of Rabha people.

20. All foreign nationals of North Eastern Region should be detected and deported from North-Eastern Region within the framework of Constitution of India and the border of the region must be sealed immediately.

21. Protection of ancient historical monuments of Rabha Kings in North Eastern Region.

22. Flood and erosion problems of Assam be taken as a National Problem of India and large scale project should be taken by the Central Government to control the river Brahmaputra.

23. To establish an inevitable Medical Service, Health Service Centre, Veterinary Service Centre in the tribal dominated areas.

24. To improve transport and communication facilities in the tribal dominated area.

25. A special cultural Directorate of Rabha should be installed at Dudhnai to preserve the historical and cultural monuments sculptures, symbol for publication, development and research.

26. To prepare a facility for appropriate representation of the Rabhas in various boards and corporation of Assam.

27. To open Post-Graduate course at Dudhnai College, Kokrajhar College, Tangla College etc.

28. Installation of Technical and Polytechnique institution in tribal areas.

Ultimately Rabha Autonomous council has been granted to the Rabhas. <sup>(9)</sup>

On the other hand there are students' Union like All Assam Deori Students' Union which demanded second chamber to be reintroduced as Upper House of the Assam Legislative Assembly. <sup>(12)</sup>

## **TIWAS**

The Tiwas have been given ethnic autonomy by the Government of Assam along with the Bodos, Rabhas and Misings. Unlike Bodos, the Misings launched movement in a very mild manner under the leadership of All Tiwa Students' Union.

In 1977, the 'Lalung Darbar Youth Front' was formed under the banner of Lalung Darbar with Rahotsingh Deuri and Mukunda Bordoloi as its President and



General Secretary respectively. It was a Youth Front which demanded creation of Lalung Hill Autonomy District. At the 9<sup>th</sup> General Conference of Lalung Darbar held at Umsai in 1978, there was great debate regarding the agitational programmes. Ultimately the Youth Front came out of Lalung Darbar and in 1980 it was renamed as "Lalung Youth Front" headed by Tulsi Bordoloi as its President. Again on 24<sup>th</sup> June 1983, the Lalung Darbar and Lalung Youth Front United together and submitted jointly a memorandum to then Prime Minister Late Indira Gandhi for the creation of the "Lalung Autonomous Hill District".

In 1979 when All Assam Students' Union started movement against foreign nationals, like other tribals of Assam the Tiwas of Nagaon and Morigaon actively participated in the movement. But after the signing of the Assam Accord on 15<sup>th</sup> August 1985 the Tiwa people were dissatisfied with the Article 10 of the Assam Accord. Since then they have become very conscious for their self-determination.

On 30<sup>th</sup> October 1985, the Lalung Youth Front tried to coordinate all Tiwa people and Organizations on a common Platform at Jagiroad. At that meeting the Tiwas formed the "Auto Lalung District Demand Committee (ALDDC). Giridhar Patar was its President and Narayan Kakoti was its General Secretary. The main aim of the ALDDC was to gain autonomy. Since most Lalungs lived in the Plains it modified its demand as "Autonomous Lalung District" instead of "Autonomous Lalung Hill District". Since then the ALDDC has submitted several memorandums to the Central Government to create Autonomous Lalung District by carrying out part of the Karbi Anglong, a part of Kamrup and western part of undivided Nagaon district.

After 1986, the Tiwas observed that the Lalung District Demand Committee became inactive and later on i.e. on 25<sup>th</sup> February 1989, the All Tiwa Students'

Union was formed at the Tribal Rest House at Nagaon. In its conference held on 16<sup>th</sup> and 17<sup>th</sup> March 1990 at Raha there was a serious discussion on "Autonomy" for Tiwas. There the youths adopted a resolution to launch a democratic Movement to attain Tiwa Autonomy by establishing Tiwa Autonomous District Council under the Sixth Schedule.

On 30th July 1994 at the initiative of All Tiwa Students' Union, All Tiwa Women's Association and Lalung Youth Front a convention was held at Morigaon and formed "Autonomy Demand Struggling Forum" as a common political platform to achieve the goal of autonomy.

The Lalung (Tiwa) Autonomous Council Act received the assent of the Governor of Assam on 27<sup>th</sup> October 1995 providing the Lalung Autonomous Council within the state of Assam with the maximum autonomy within the constitutional framework comprising of the satellite areas of village councils. Similarly, Rabha Hasong Autonomous Council and Mising Autonomous Council have been created (see Appendix 12).

The General Council shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property. The General Council shall consist of 30 members among them 26 members to be directly elected and 4 shall be nominated from amongst the groups of communities residing in the council area and not otherwise represented in the General Council.

The members of Parliament and the members of the Legislative Assembly, Assam belonging to Scheduled Tribes reserved constituencies of the council area shall be the ex-officio members of the General Council.

The Bodo Accord brought into existence Bodo Autonomous Council (see Appendix 13). But the conditions of the jurisdiction of the council caused serious problems due to which the council has no demarcated area till date. This resulted the demand for Bodoland, a separate state for the Bodos.

### **Land Reforms**

The basic fact that rural upliftment in Assam in particular and North East India in general cannot be divorced from land reforms, is realised by all of us today. It may be noted that one of the issues raised by the different ethnic groups in Assam while launching the movement for autonomy, is the protection of their land. The land of Assam is very fertile for horticulture, sericulture and small-scale industries. All these are directly connected with land. Further, Assam occupies a unique position in the world for production of tea and more than 80% rural people depend on agriculture and allied livelihood.

North East India accounts for 7.7% of the country's total land area and has a population representing 3.88% of the country's total population. Assam covers an area of 78,523 sq.km.

It may be noted that though the state is well-known for its physical, social, economic and political diversities, but there is a common factor which permeates the whole state. That factor is the underdevelopment of the rural area. The bulk of the rural sector has remained untouched by the developmental programmes carried out for more than four decades. A little more than 80% workers are engaged in agriculture and allied activities for their livelihood. Therefore, the upliftment of the rural areas in Assam is dependent on land reforms or land protection or land distribution among the rural people.

## DISTRIBUTION OF POPULATION : RURAL AND URBAN

State	Total	Rural	Urban	% of Urban Population
Arunachal	6,31,839	5,90,411	41,428	6.56
Assam	1,98,96,843	1,78,49,657	10,47,186	10.29
Manipur	14,20,953	10,45,493	3,75,460	26.42
Meghalaya	13,35,819	10,94,486	2,41,333	18.07
Mizoram	4,93,757	3,71,943	1,21,814	24.67
Nagaland	7,74,930	6,54,969	1,20,234	15.52
Tripura	8,27,460	8,27,460	2,25,568	10.99

### Community ownership of land

In most hill areas of North East India, the land is owned by the community as a whole. However, individual ownership of land is recognised in certain areas, but such ownership is usually confined to homestead and settled farm land. Generally, each village is considered as one unit and within the village, the village headman or the Council is the authority to distribute land for cultivation among the individual families.

### Role of Headman

A brief survey shows that among the Karbis and some tribes of Arunachal Pradesh, though there is the provision for community ownership, one can cultivate a plot of land according to his choice. The village headman generally settles disputes in relation to sharing of jhum land among the villagers. Sometimes if a particular group is not satisfied with the decision of the headman it leaves the original village and establishes a new village with a new headman. In the Garo Hills of Meghalaya, the hill mouzas are divided into several aking and each aking is placed under the control of a Nokma (headman). He owns land on

behalf of the clansmen. He can distribute the land among the clansmen for jhuming. The district of Khasi Hills of Meghalaya is divided into Rajs ruled by Siems, Lyndoh, Pator and Sardar. Each member of the Raj is entitled to cultivate any vacant land. As long as he cultivates, the vacant land belongs to him. If a man does not cultivate the land under his control for three years continuously, he loses right to cultivate in it and the land becomes the property of the Raj.

### **Jhuming**

In the hill areas, the shifting cultivation or jhuming is a system of production and a way of life of the people. This system was followed for a long time as a regular system by the inhabitants of Africa, America, Sweden, Brazil etc. In India, shifting cultivation is practised throughout the hill areas covering the states in North East India, Sikkim, Orissa, Bihar, Madhya Pradesh, Andhra Pradesh, Tamil Nadu, Maharashtra and Kerala.

The shifting cultivation involves cutting and burning of weed, even forests, growing of a mixture of different crops, viz. paddy, maize, cotton, millet and vegetables of various kinds on the cleared land with lowest possible technology under rainfed condition and shifting to a new site next year. Again leaving land in fallow for a couple of years means a great national waste. It also widens the gap between the food grains production under jhum cultivation and the numbers of jhumias depend on it.

The whole gamut of the rural society in hill areas is interwoven by the shifting cultivation system. It is deep-rooted in their social culture. The hill tribes of North East India produce various agricultural products in their jhum field. They produce food grains, vegetables and also cash crops. On the other hand, it damages the forest. It dries up the springs of the hills, causes soil waste and erosions and destroys valuable forests.

### **Tribal ethos and land reforms**

The difficulties lies in the formulation of a new policy relating to land in two factors,

1) The evaluation of economic benefit out of production in jhum field and the damage caused by it to the forests and soil,

2) Socio-cultural aspect of the hill tribes which no new policy on land can ignore. The tribal society is very sensitive culturally..

### **The Assam scenario**

In Assam, the rural people in the plain areas depend on agriculture and allied activities which constitute their main provision and it involves land as a primary factor for their upliftment. During the Ahom rule in the state, the system of state ownership of land was prevalent. The Ahom king used to grant lands to idols, Brahmins, religious institutions and elite groups devoted to learning and administration. All the grants were grouped into three categories

- 1) Debottor, dedication to idols or temples. This grant was further subdivided into two groups – Bhogdani and Paikan. The owners of Bhogdani land had to supply daily ration to the temple and the owners of the Paikan land had to render personal service to the kingdom;
- 2) Dedication to person for service, to be rendered to the temples;
- 3) Brahmottor, dedication to priests.

Besides, there was the Paik system organised by Momai Tamuly Barbaruah. Under this system, every male adult with good physical health had to render free service to the State, either as a labourer or soldier or as supplier of certain quantity of produce in lieu there of. He was called Paik. Each Paik rendered

service to the king on rotation. In return, each Paik was allotted eight bighas of rice land. He was also given land for his house and garden, called bari and bari land.

The British, at the time of annexation of Assam, welcomed the state ownership system. The British brought into existence the historic permanent settlement confirming decennial settlement of Bengal. The zamindari privileges continued to exist till the enactment of the State Acquisition of Zamindari Act, 1951.

### **Protective and Anti-Exploitative Measures/Land Alienation**

The Assam Land and Revenue Regulation 1886 (ALRR) was amended in 1947 by adding the Chapter X for welfare and protection of the protected lands including ST and SC so far as land settlement and allied matters are concerned. Under the provisions of the Chapter X, the State Government so far has constituted 49 Belts and Blocks in the State.

The provision of the Chapter X of ALRR totally prohibit the transfer of Patta land from a tribal or other protected classes or any other land owner within a protected belt/block to non-eligible persons.

Further, in order to plug the loophole in the provision of the Chapter X of the ALRR, the Act has been amended several times. The Chapter X of the Regulation was first amended by the Assam Land and Revenue Regulation (Amendment) Act, 1964, by registration of deed or document identifying any transition for acquisition or possession of land by way of transfer, exchange, lease, etc. Under the Indian Regulation Act, 1908 has been forbidden, if it appears to the Registration Authority that such transaction of land is in contravention of this Chapter X. The Chapter X of the Regulation was amended for the second time by the Assam Land and Revenue Regulation (Amendment) Act, 1981.

According to this amendment a person cannot acquire any right or title on land by length of possession, if such land is transferred to him in a belt or block in contravention of the provisions of the Chapter X.

The Chapter X of the Regulation has recently been amended by the Assam Land and Revenue Regulation (Amendment) Act, 1990 (Assam IV of 1990). As per this new amendment, panel provision has been made for both the transferer and the transferee of land in a belt or block, if the transfer of such land has been affected in any way in contravention of the provision of the Chapter X.

The various land reforms measures are :

- i) Acquisition and distribution of ceiling surplus land under the Ceiling Act, preparation of list of landless persons, in Assam,
- ii) Provision of house sites to landless persons,
- iii) Preparation and updating of record of right of tenant under Tenancy Act, 1971.

In independent India land reforms received top priority in order to put an end to the zamindari system and the landed intermediaries together with conferment of tenancy right to ryots bringing them in direct relationship with the State instead. While the rest of Assam where temporary settled estates existed, the comprehensive tenancy reforms were carried out under the Assam (Temporarily settled Areas) Tenancy Act, 1971 and it was extended to Goalpara also. The Assam Land Holding Act, 1974 was enacted with the aim of bringing tenants under the direct relationship with the state.

The Assam Land Holding Act, 1974 is a landmark in the history of land reform in particular and rural upliftment in general. It provides for a single system of landholders under which owners of land have been put under contract with the



State as settlement holder directly enjoying right and privileges and with the obligation of payment of land revenue direct to the State instead of any zamindar. Thus it may be seen that efforts have been made by the Government to simplify the land tenure system in Assam.

### **Land ceiling and distribution**

Coming to the ceiling law, and area of 50 bighas has been considered as a standard area for the livelihood of an average family. As a result, whoever has more than 50 bighas has a surplus. The Government acquires this surplus and then distributes it among persons with no lands or with lands less than the ceiling.

Till now, 6,12,380 acres of land have been declared surplus and of these, 5,75,837 acres have been acquired by the Government. So far 4,91,301.70 acres have been distributed. The following table shows the details :

### **SURPLUS LAND DISTRIBUTION**

(in acres)

	<b>No. of families</b>	<b>Area distributed</b>
Schedule Castes :	42,490	44,360.03
Schedule Tribes :	41,291	57,794.54
Others :	3,49,519	3,67,960.59
Institution :	610	21,186.54
Total :		4,91,301.70
Area unfit for distribution :		13,106.00
Area under litigation :		38,461.00
Area under encroachment :		10,275.00
Area reserved for public use :		17,250.00
Area under miscellaneous reasons :		4,006.00
Area available for distribution :		37,980.30

In addition to above several other measures have been taken by the Government to project the tribal land. These are -

**(a) Creation of Tribal Belts and Blocks**

The Assam Land and Revenue Regulation 1886 was amended in 1947 in pursuance of the Resolution of the provincial Congress Ministry headed by Lokpriya Gopinath Bordoloi. Under the provision of section 160(i) of the Assam Land and Revenue Regulation Amendment Act, 1947 Government decided to constitute belts and block in the areas predominantly inhabited by

- (a) Plains Tribals
- (b) Hill Tribals
- (c) Tea-Garden Tribals,
- (d) Santhals,
- (e) Scheduled Castes
- (f) Koch Rajbongshi.

Accordingly altogether 35 Belts and Blocks (11 Belts and 24 Blocks) were created till 1964. Such Belts and Blocks are popularly known as Tribal Belts nothing to do with Autonomous Hill Districts and are wholly confined to the limits of the Plain Districts of Assam. At present there are 19 Tribal Belts and 30 Tribal Blocks.

It is noteworthy that the connection of Tribal Belts and Blocks with the immigration was not apparent to many. But during the first half of the 20th century history took its course in such a manner that the ultimate outcome of the immigration policy in Assam was the creation of Tribal Belts and Blocks. At present there are 49 tribal belts and blocks in Assam (see Appendix 14).

**(b) Settlement of Wasteland**

Settlement of waste land for ordinary cultivation in a Tribal Belt or Block was made according to the State policy and procedure. In adopting such policy or procedure, the State Government considered the bonafide needs of –

a) those who were permanently residing in the belts, block on the date of its creation, it did not matter if they were non-tribal or other notified classes;

b) those who were temporarily residing in the belt, block but who were settlement-holders of land within it on the date of its creation and who were likely to undertake to become permanently resident therein within a reasonable time; here also it did not matter if these were not notified classes;

c) those who were members of the classes as determined by the Government but were living elsewhere in the district;

d) those who belonged to other classes of persons residing in the neighbourhood of the belt, block, preference being given to persons whose religion, mode of life, agricultural customs and habits were more akin to those of the notified classes, if available land was large enough.

The net result of this provision was that those who were already permanent residents or those who, were temporary residents, had leases within the belt, block on the date of its creation were entitled to get settlement of new sarkari land, whether they were notified classes or not. But notified classes, even if they lived elsewhere in the district, outside the belt, block, were entitled to get settlement of sarkari land within the belt, block.

But those provisions have, according to the President's Act No. 2 of 1981, been since superseded by the following :

In adopting and directing any policy or procedure that State Government shall take into consideration;

Firstly, the bonafide needs of the persons belonging to the classes notified who are permanently residing in such area from before its constitution under section 161 of the Act, 1947.

Secondly, the bonafide needs of the persons belonging to such classes who are temporarily residing in such area from before its constitution but who are settlement-holders of land within the area, on the date of its constitution, and who are likely to undertake to become permanent residents therein within a reasonable time; and

Thirdly, if the extent of cultivation land available for settlement in the belt or block be large enough, the bonafide needs of,

- the persons belonging to the other classes of people residing in the belt or block from before the constitution of the belt or block;
- the persons belonging to the classes notified under sub-section (2) of section 160, who are living elsewhere in the State.
- the policy adopted and directed under sub-section (1) shall also provide that no settlement with the persons belonging to the classes of people mentioned in clause (c) of sub-section (2) shall be made except with the previous approval of the State Government.

The result of the new amendment is far-reaching. Those who belong to notified classes only and have been residing permanently in a tribal belt/block since its creation, or though residing temporarily yet have acquired the status of settlement-holders and undertaken to reside permanently, are eligible for getting settlement in the normal way. But those who do not belong to the notified classes are not entitled to get settlement in the normal way, even if they have been permanent resident from the date of creation of the tribal belt/block. Such

permanent non-notified classes can, however, get settlement if the available waste land be large enough and further if they can obtain the prior approval of the Government.

Similarly, non-resident notified classes are not so much eligible of getting settlement as in the older days. They are also to obtain prior approval of the Government.

As regards transfer, too, of the land situated in a tribal belt/block, the Amendment Act of 1981 had made drastic changes as follows :

Amendment of section 164 of the principal Regulation, in sub-section (2) the following provisions shall be inserted, namely :

“Provided that no landholder shall transfer his land in a belt or block –

(a) to any person not belonging to class of people notified under section 160; or

(b) to any person who is not a permanent resident in that belt or block.

Provided further that no such land-holder shall transfer his land in a belt or block to any person who is a permanent resident in the belt or block who does not belong to a class of people notified under section 160 except with the previous permission of the Deputy Commissioner.

Provided also that in granting such permission the Deputy Commissioner shall have due regard for the interests of persons belonging to the classes notified under that section.

The result of this amendment is that transfer of land in a tribal belt/block to a person of a notified class is permissible, even if the person is not a permanent

resident of the belt/block; but transfer to a person of a non-notified class is permissible only if such a person is a permanent resident therein and that also only with the prior permission of the Deputy Commissioner

**(c) Right of Settlement-holders and land-holders in tribal belt/block**

The special legal provisions with regard to nature, extent and termination of right of annual and periodic leases are as follows :

1) A settlement holder other than land holder in a tribal belt/block has no right beyond the provisions in the lease.

2) A landholder has right of use and occupancy, but his right of transfer or sub-letting is severely restricted. He can transfer his right only in the manner mentioned in the Act.

**(d) Ejection of unauthorised occupants**

The special legal provisions with regard to ejection of unauthorised occupants and management are as follows :

(1) Persons occupying unsettled land in a tribal belt/block are liable to ejection forthwith;

(2) Persons other than settlements-holders occupying annually-settlement lands are also liable to ejection forthwith. The settlement with the existing annual lease-holder is automatically terminated at the end of the lease period and this does not require a notice of non-renewal.

(3) Persons occupying periodically settled land without valid authority from the landholder or persons whose entry or occupation has come about in a manner inconsistent with the provisions of Chapter X of the Regulation are liable to ejection, after service of one month's notice. After the ejection, Deputy

Commissioner may manage the land in written undertaking that he will prevent unauthorised occupation by other persons in future, Deputy Commissioner may restore it to him. If the land-holder subsequently contravenes the undertaking, his rights in land will be forfeited and the land will be available for fresh settlement subject to lawful encumbrances.

**(e) Penalty for contravention**

If any transfer of land is effected in contravention of the provisions of Chapter X then both the transferor and the transferee shall be punished with simple imprisonment upto six months or fine upto Rs. 1000/- or with both.

The Sadulla's League Ministry took initiative in the Land settlement policy. The ministry was disengaged in March 1945 and he formed a new Coalition Ministry on 25th March 1945. The new Ministry could secure support from the Congress Party on certain agreed matters. The Ministry adopted a resolution on 13th July 1945 which may be considered as a restatement of the January 1945 resolution on line settlement is clear and less ambiguous. The four main objects of the policy were -

1. Planned settlement of wasteland,
2. Recognition of landless immigrants from others who came to Assam before 1st April 1938 as being equally entitled with landless indigenous persons to wasteland settlement.
3. Protection of Tribal classes in areas predominantly occupied by them against aggressive elements which are prone to endanger the normal economic and social basis of village life.
4. Maintenance of grazing and other reserves by evicting encroachers.

Unfortunately, Coalition Ministry of Sadulla could not carry out the provisions of the above resolution except appointing a Special Officer for Tribal Welfare, as the Assembly was soon dissolved for General Election in 1946. In the General Election the Congress Party won by absolute majority and formed its own Ministry with Gopinath Bordoloi as Chief Minister and Bishnuram Medhi as Revenue and Finance Minister. The Ministry started implementation of the Resolution of the Government.

**(f) Line System**

In November 1939, the Government adopted a resolution on the Line System Committee's Report. It is in this resolution that for the first time the idea of constituting "Prohibited Areas" in localities predominantly belongs to people of backward or tribal classes was conceived. Paragraph 4 of the Resolution runs as follows :

"The restrictions constituting the so-called Line System which have been in existence in the province for over 10 years past were primarily intended against the unending flow of Bengal immigrant cultivators and took the form of constituting certain areas in which settlement of land with such immigrants was prohibited. Government agree with the Committee that in future the unit for such restriction or prohibition should, where possible, be larger. They consider that in the sub-montane areas it should be possible to constitute whole Mouzas or compact parts of the Mouzas inhabited predominantly by backward and tribal classes into "Prohibited Areas". Elsewhere where the whole village or areas may be constituted a prohibited area. Within the prohibited area as constituted, immigrant cultivators shall not be allowed land either by settlement or by transfer of annual pattas, and any immigrant as taking up land or squatting shall be evicted".

One can identify the rudiments of future tribal belts and blocks in the statement made above in the above paragraph. But it took another 10 years to put



these ideas in a concrete form in the statute book. The delay was not due to any negligence on the part of the Congress-coalition Government (Bordoloi Ministry) which passed the above resolution, but due to sudden political changes brought about by the freedom struggle and the World War-II.

As regards settlement of land with tribal in the Karbi Anglong district an important role is played by the District Council Authority under the provision of the Sixth Schedule to Constitution of India. The District Council has the power within a its jurisdiction to make laws regarding the allotment, occupation, use of setting apart of land other than a reserved forest for the purpose of agriculture, grazing, or for residential or other non-agricultural purpose which are likely to promote the interest of the inhabitants of any village or town. Pursuance of the Sixth Schedule of the Constitution of India a Act was passed in 1953 by the District Council of Karbi Anglong. The legislative powers conferred upon the District Council show that the Acts passed by the Assam Legislative Assensly has no jurisdiction over the District Council.

### **Reforms in Karbi Anglong and N.C. Hills**

A Karbi village, sometimes, is found to have only nine or ten families. Because of this habit shifting their habitat frequently, and also the small size of the villages, developmental works of permanent nature are difficult to undertake and the basic amenities cannot be provided to the people. The practice of jhuming itself is also very harmful as it leads to destruction of forest wealth, soil erosion and other consequences.

With a view to stop these harmful practices like the shifting of village, shifting cultivation etc and to bring about a social reconstruction by making the people settle in permanent villages, the District Council has opened up a few model villages composed of at least 50 houses which is considered conducive

from the point of view of planning and development. In a model village each family is provided with a newly constructed well ventilated spacious house on a plot of land measuring about one bigha and 5 to 10 bighas of land suitable for permanent cultivation. The land provided of each family is well irrigated. The village is also provided with other basic amenities like communication, education, drinking water, etc. The families settled in a model village are exempted from paying house tax.

Although the scheme for the establishment of model village is very well intended, nevertheless, owing to lack of any concrete follow up programme it is not found to be quit a success. Many families settled in the model village have already left for their old abodes. Secondly, when a family brought from the hill areas is persuaded to settle in a village and provided with cultivable land, the problem does not come to an end. The family members have to reclaim the land and make it suitable for cultivation. Although the land is quite fertile because of its virginity, from reclamation to production there is a gap of about six to nine months. And during this period nothing by way of cash dole or credit is given to the family for its maintenance. Any land settlement scheme with the tribal must incorporate three major factors namely housing, irrigation and credit. In case of establishment of model villages, the first two factors have been incorporated, but the last is still out of the picture. In case of land settlement outside the model villages the question of providing the aforesaid three factors is not at all taken into consideration. As the Karbi Anglong falls within the rain shadow areas, irrigation facilities are most essential. Of course, the state Agriculture Development and the Irrigation Department have been implementing small schemes for irrigation wherever such schemes are found feasible irrespective of land settlement policies followed by the District Council. The medium type of irrigation project that has been installed in the Karbi Anglong District is the Jamuna Irrigation Project. Although its hard work and its Administrative Officers are located in Bakulia in

the Karbi Anglong District, nevertheless, its fruits are harvested mostly by the people of Nagaon District only. In the Karbi Anglong District the irrigated area is meagre.

The Mikir Hills District (Transfer of Land) Act 1959 provides that no land under the jurisdiction of the District Council Authority shall be sold, mortgaged, leased, bartered, gifted or otherwise transferred to non-tribal or by a non-tribal to another non-tribal except with the previous permission of the Executive Committee of the District Council (Section 3 of the Act of 1959). The Act also provides that for any refusal of transfer from a tribal to a non-tribal or from a non-tribal to another non-tribal, the reasons shall be recorded. This Act also provides that rights already acquired by any person prior the enforcement of this Act shall not be affected.

Under the provision of this Act the District Council Authority may evict a non-tribal if he is found to be in possession of any land other than in accordance with the provision of this Act.

The Act, however, provides only monetary penalty for disobeying internationally an order of requisition to vacate lands occupied illegally.

Now the Karbi Anglong District (Land Reforms) Act, 1979 provides that all kinds of encumbrances of land existing by way of Paikas or mortgage shall be void upon coming into force of this Act. This Act also provides that on coming into force of this Act any amount is found due from the settlement holder out of the advance earlier made to him by the cultivator cultivating his land under current Paikas, mortgage, etc., the latter shall be allowed to cultivate the land under the Adhi system at the rate of 3 to 5 maunds of paddy per bigha according to the yield of the land as may be assessed by the Assistant Revenue Officer. The value of the paddy thus fixed shall be adjusted towards repayment of the balance

of advance. After full repayment of the advance the land shall stand released. After such release if the cultivator cultivating the land remains on the land, he shall be evicted therefrom forthwith.

The Act also provides that if any settlement holder after release of his from Paikas or mortgage again encumbers his land through Paikas or mortgage, the patta operation of he section.

In the North Cachar Hills District the non-tribal population constitutes slightly more than 30 percent and the density of population was 16 as per 1971 census. The incidence of alienation of tribal land in this district, therefore, is quite low. The district Council Authority of the North Cachar Hills has not enacted any law in regard to prohibiting transfer of tribal land to non-tribal. The District Council has issued some executive instructions only in this respect vide Memo No. GA/REV/5/14/62/21. Dated 6<sup>th</sup> July 1962. So far as land under periodic lease is concerned the tribal settlement holder cannot transfer his land to a non-tribal without prior permission of the District Council sees whether the person to whom the land is proposed to be transferred is a permanent resident in the district and secondly whether he has enough land in his possession already even if he is a permanent resident.

According to land settlement policy resolution of 1954, the first preference goes to the indigenous local tribal in settlement of Government land. The second preference is given to the permanent non-tribal resident of the District Council constituencies. A tribal belonging to the same community but hailing from another village may also get settlement of land in the village provided the other people of the village where the person is proposed to be given settlement do not object.

From the above it has now been seen that while in the Karbi Anglong District there are suitable laws for prohibition of transfer of transfer of land and

a well defined land settlement policy, in the North Cachar Hills expect executive instructions and policy resolutions in respect of land settlement there has been no law prohibiting transfer of land from tribal to non tribal.

In the hill areas of Assam, under the Sixth Schedule of the Constitution of India, the management of land is the direct responsibility of the two District Councils with full powers to enact suitable legislation and also to formulate their own land settlement policy keeping in view the customary rights of the tribal people over their land.

The Mikir Hills District (Transfer of Land) Act 1959 prohibits transfer of land belonging to the scheduled tribes to non tribal and even from non tribal to non tribal by way of sale, mortgage, lease, barter, gift, etc. Without the prior approval of the Executive Commissioner of the Karbi Anglong District Council. The Karbi Anglong District Council (Land Reforms) Act, 1979 prohibits Paikas and mortgage of land also.

However transfer and alienation of land mostly in the forms of Paikas, Sukti Bandhak, Khoi Bandhak and Adhi which are temporary in character but of perpetuating nature in practice are going on unabated specially among the Karbis inhabiting the plains portion of the Karbi Anglong District.

In the North Cachar Hills, the area of cultivable plain land being very small incidences of transfer and alienation of tribal land are virtually absent. The N.C. Hills District Council so far has not enacted any law prohibiting transfer of tribals land to non-tribal. The Council has, however, issued an Executive Order in 1962 putting a ban on transferring of tribals land to nontribal with out the prior permission of the District Council Authority.

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