



Orient BlackSwan

Hill Politics in Northeast India

THIRD EDITION

S. K. Chaube

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Since the middle of the nineteenth century, the northeast has grown from ethnocentric tribal organisations to territorial autonomous structures through a profound process of change in all spheres of life and society led by an educated and sophisticated middle class.

The third, revised edition of *Hill Politics in Northeast India* traces the political evolution of the region, excluding Sikkim, from the first half of the eighteenth century when British administration was formally set up in Assam to the twenty-first century. This volume looks at how many of the political concerns that continue to plague the region till today have their roots in the past. It, however, also contends that while historical problems remain, there has been increasing awareness and interaction between the people of the northeast and the rest of India. This thoroughly revised edition includes updated text and tables that will help readers gain a holistic view of the politics of the hills in the twenty-first century.

The book will be of particular interest to students and scholars of political science, sociology and history. It will also be useful for administrators and lay readers who are interested in the northeast.

S. K. Chaube retired as Professor, Department of Political Science, University of Delhi.

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Third Edition

S. K. CHAUBE



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Preface to This Edition

All works of current history are unsatisfactory. Besides being too close to the narrated events, it needs continuous updating. This volume was originally written to trace the historical background of the reorganisation of northeast India and gauge its immediate impact. A dozen years later a follow-up was published that took a slightly different trajectory, called *Electoral Politics in North-East India*, by the Universities Press. The second edition of *Hill Politics*, in 1999, went through some revision. By that time the structure of northeast Indian politics had basically stabilised, though new issues were springing up, particularly in the administrative and the policy spheres. One welcome development by today is the reduction of mutual suspicion thanks to greater interaction of northeast India and the rest of the country. Several politicians of northeast Indian hills, not to speak of the plains, have been playing key roles in the national affairs while several all-India parties are operating in northeast Indian hill states. Northeast India has supplied top bureaucrats and jurists to the nation. Many of the sportspersons from the region represent India in international events. The Shillong Chamber Choir entertained President Barack Obama at the conclusion of his state visit to India in 2010. And, to cap it all, armed policemen and women of Nagaland were deployed in the national capital during the Commonwealth Games of 2010 for the maintenance of law and order.

As in the earlier editions, I have excluded Sikkim from my narrative as its links with northeast India is purely administrative.

A new postscript has been added to this volume. In addition, the tables and figures have also been updated.

Preface to the Second Edition

When this book was published twenty-six years ago the primary aim was to present, in general, the social and political history of northeast India and, in particular, of the hill areas – up to the time of the reorganisation of the region. Northeast India still remains mainly a conglomerate of seven political units. However, the sociopolitical dynamics of the region have thrown up some new elements.

When the book was published, some observers noted that it had regarded secessionist violence in northeast India as transient. Indeed, it did not share the alarmist concern of the period about the fate of the region. It was, rather, based on the belief that democracy itself is a great unifier as it instils confidence among marginal social groups and cements national unity. On the other hand, the book was by no means a part of the neo-radical celebration of ethnic autonomy. For, in my view, both nationalism and ethnic particularism are ascriptive, arbitrary and *ad hoc*.

The book's focus was on the contradiction/competition between the traditional chiefs making use of the tribals' love for pristine freedom to preserve their vested interests against the republican wave in India, and a new elite – the Christianised literati – claiming the leadership of a democratically constituted society that would at the same time retain its autonomy.

The situation today has grown complex; the traditional chiefs have been largely sidelined and partly accommodated in the new structure of power. Statehood, the creation of job opportunities and some developmental activity have only partly satisfied the aspirations of the hill people, particularly of the rapidly increasing numbers of educated youth. Frustration has pushed a section of them to the politics of violence, not necessarily secessionist. Violence has become endemic to northeast Indian politics.

My framework, incidentally, rejects the description of the theme of this volume as 'tribal political'. It also avoids

a mechanical quest for production relations for, except in the Bhoi area of the Khasi hills (Meghalaya), no production relation has actually been established though aggrandisement of private property at the cost of the community and the state is rampant.

In this edition I have added a postscript which is an assessment of the situation in the 1990s. I have replaced the tables in the appendix with updated ones and incorporated minor corrections in the text. The text including old names and spellings of the original edition has been retained here.

Preface to the First Edition

This volume is the product of a labour of love that developed during nearly 10 years of the author's working life in northeast India. The burden of his commitment became all the more heavy because of the feeling that there is a sad lack of understanding, in the rest of the country, of the political turmoil in northeast India. The primary purpose, therefore, was to present the maximum amount of 'facts' that one could gather about a problem region of India.

There is also an attempt to interpret the facts very tentatively. The problem has been set in the perspective of the theory of nation-building. Independent India inherited a territorial boundary that had been fixed by the exigencies of an alien imperialistic administrations and inevitably cut across many ethnic consolidations. The problem was intensified by a diffusionist modernising wave that had practically no relation with the prevailing mode of production and was bound to create a cultural crisis.

One of the demands of modernism is that for territorial loyalty which passes for 'nationalism' and seeks to substitute our primordial loyalties to clan, tribe, caste, race, community and even language. In its heightened form the contradiction results in so-called disloyalty to the hitherto unfamiliar values of nation-state.

Modern territorial nationalism cannot be properly understood out of context. In Europe it was the product of industrial revolution that demolished the ethnic barriers of peoples within the jurisdictions of sovereign States. The problem of the developing countries like India is that they inherited the State system from their colonial rulers without the benefit of industrialization. In the most backward areas of such countries the problem becomes all the more acute. And in the case of India, as many of those backward areas lie in the border regions, they are susceptible to the changing waves of international relations. The resulting

instability is almost bound to generate exaggerated suspicions about such ethnic minorities.

It is, however, frequently forgotten that ethnic minorities are as much subject to social laws as the majority in a state. Aspirations of ethnic groups are generally determined by the aspirations of the dominant section within such community. But, as the hegemony of any section is unlikely to go unchallenged, aggregation of social goals for any community is a difficult task. It is, at the same time, more than possible that the dominant section of any minority or backward community will set its view on a position favourably comparable to that of the stronger neighbours. The strategy ranges from conciliatory techniques (like subordinate alliance, clientilism and differential migration) to alienation (like secession and civil war). The demand for 'autonomy' offers a fairly elastic middle-order choice that suits the needs of an emerging middle-class in as much as the demand does not militate against national authority but accords them a convenient bargaining position. The elasticity of the concept, however, permits a great deal of misunderstanding. The present volume, it is hoped, will help removing some of these misunderstandings in relation to a sensitive trouble-torn region of India.

The argument of this volume is that the 'tribal' situation in northeast India cannot be properly understood except by viewing it in its historical perspective. Although the British policy with regard to the hill people was one of least interference, the impact of administration and its corollary, the church, significantly corroded their internal system of authority and exposed them to territorial power. A modernistic middle class was its offshoot. The tradition-modernism antithesis was of course rooted in deeper conflicts of interest and, whereas the traditional leaders adopted the romantic reactionary slogan of primordial freedom of the tribes, the new elite clashed with them headlong. This contradiction was synthesised in the demands for 'regional' autonomy within the framework of a nation-state. The constitutional provision of the Sixth Schedule, evolved in 1950, proved inadequate for the accommodation of such aspirations.

Although the method of this study is basically political, author has made use of history, geography and sociology. Great debt is acknowledged to the numerous ethnographical publications

on the peoples of the area since the end of the last century. He has drawn mainly from published materials and official records. But those scattered pieces could not be tied up except through hundreds of interviews with the living personalities who have shaped the political movements in the hills. The views expressed are, needless to say, author's own.

Lastly, author personally considers the use of the terms like 'tribe', 'Christian', 'Hindu' unfortunate but unavoidable in a work like this. Utmost care has, therefore, been taken to restrict the use of such terms to the denotation of particular cultural conditions. In no way are they associated with ethnic categories.

Acknowledgement is due to virtually innumerable people who have helped author to weave together the pieces of literary material, available at official and personal archives, by submitting themselves to searching interviews. It is only hoped that this volume will not hurt them in any way. Responsibility for all observations is author's. The book was seen through the press after the author joined Centre for Studies in Social Sciences, Calcutta, and a helping hand in reading the proof was lent by author's colleague, Dr Partha Chatterjee.

Introduction

Three valleys, surrounded by and interspersed with a number of mountain ranges, constitute the sensitive region known as northeastern India, which could be more appropriately described as eastern India. The 'blue hills'¹ comprising the eastern Himalayas on the north, the Naga hills on the east, the Mizo and Tripura hills on the south and the Shillong plateau (named in the 1930s by the Indian geographer, S. P. Chatterji, as Meghalaya) on the west, form almost completely natural boundaries of the Brahmaputra valley, the heartland of Assam. The district of Cachar lying beyond the Shillong plateau is geographically, historically and ethnically an extension of Gangetic Bengal, washed by the Barak river, and is separated from the Brahmaputra valley by the Shillong plateau. Between the Naga hills and the Chin hills (of Burma) is situated the Imphal valley (the Manipur plains) with an altitude of about 3000 feet.

For several centuries the valleys and hills of northeast India have been exposed to waves of invasion and migration. 'The province of Assam at the far northeastern corner of India is a museum of nationalities', wrote J. B. Fuller in 1909.² Of these, the Garo living in the western part of the Meghalaya plateau have a legend of having migrated from the northwest, that is, the southern side of central Tibet.³ The Khasi, at least some of them, claim to have migrated from southeast Asia, part of their route probably passing through Burma.⁴ The Kuki and the Chin inhabiting the southern hills of Manipur, Tripura, and most of the Mizo hills are supposed to be from southern China.⁵ They are also believed to have contributed to the basic linguistic strain of the Meithei who inhabit the Manipur valley.⁶ The Naga, settled in Nagaland and the northern hills of Manipur, and some of the groups in the northeast frontier are mostly assumed to be immigrants from eastern Tibet, whereas most of the inhabitants

of the sub-Himalayan and *cis*-Himalayan areas trace their origin directly from southern Tibet.⁷

This is only a very generalised picture. For none of these ethnic groups, due to their long journeys of migration, can claim racial purity. Speculations about their migrations have been widely made and widely contradicted.⁸ The salient obstacles posed by stray cultural similarities spotted at random between apparently unrelated groups such as the Garo and the Ao Naga,⁹ the Sema and the Kuki,¹⁰ amid hosts of differences of great magnitude, come in the way of drawing a clear picture. There is still a lack of adequacy in the explanation of the different levels of culture and social systems. The matriliney prevalent among the Garo, the Khasi and the Lalung-Tiwa living on the eastern slopes of the Khasi hills and certain small groups like the Purum scattered in Manipur, and the wavy hair of some Angamis are yet puzzles for social and physical anthropologists. The predominantly Austric language of the Khasi has inspired several speculations among philologists.

The religious composition is no less complex. Brahminism reached the valley of Manipur probably in the fifteenth century to which some Manipur Brahmins trace their settlement.¹¹ A temple of Vishnu at Bishenpur (Vishnupur) on an ancient route between the Manipur and Barak valleys is claimed to be as old as that. Vaishnavism reached the Nocte Nagas of Tirap (the southern district of Arunachal) by the eighteenth century through the efforts of the followers of Sankara Deva of Assam. It even touched the fringe of the Khasi and the Garo hills. The Chakma of the Chittagong hills, a section of whom are now living in the Lushai hills, profess Buddhism. Several sections of the people of northwestern and northern Arunachal belong to the same school of Buddhism as prevails in Tibet. Since the nineteenth century Christianity started spreading fast in the Garo, Khasi, Mizo (Lushai) and Naga hills and is now the religion of about half the total population. Indigenous faiths persist among the rest.

Advent of British Power

This tessellated pavement was brought under British rule, according to the official British view, because of 'pressing

political necessity'.¹² As early as 1869, Alexander Mackenzie outlined what seemed to be the 'manifest destiny' of the British in northeast India. 'Fate seems determined to prove that there shall be no rest for the English in India till they stand forth as the Governors or advisers of each tribe and people in the land.'¹³

Fate had smiled on the East India Company at Plassey. In 1760 the Company annexed the Chittagong Hill Tract from the Nawab of Bengal. In 1761 the combined armed forces of the Company and the Nawab assaulted Tripura. Most of the plains territories of the Tripura king were registered as his *zamindari* (estate) while the hills and a patch of plainsland were left in the occupation of the king as Independent Tipperah or 'Hill Tipperah'. In 1762 Captain Verelst led three companies of sepoys (armed Indian constables) towards Manipur to fight the Burmese and established contact with the Chinese traders there,¹⁴ but had to return from Cachar after a year. In 1765 the Company acquired the *dewani* (revenue collecting authority) of Bengal and its power reached the borders of Sikkim, Bhutan, Cooch Behar, Assam and Arrakan, besides the Garo and Khasi hills.¹⁵

'When Hastings began his administration of Bengal, in April 1772, the opening of some sort of commercial and diplomatic relations with Tibet had already become an object of Company policy.'¹⁶ The Bhutanese raid on Cooch Behar in that year necessitated British assistance to Cooch Behar. The aggression was repelled and a pacification raid planned on Bhutan when the Tashi (Panchen) Lama, then regent of Tibet, intervened on the side of Bhutan. George Bogle was sent to Bhutan in 1774 with instructions 'to open a mutual and equal communication of trade between the inhabitants of Bhutan and Bengal.'¹⁷ He went as far as Shigatse in Tibet, and established a close friendship with the Tashi Lama 'away from the centre of Chinese influence in Lhasa', but the mission bore no immediate fruit. In 1780 the Tashi Lama died in Peking, and in 1781 Bogle died in Calcutta. In 1783 Captain Turner was sent to Bhutan. Through a series of treaties signed in 1780, 1784 and 1787, the districts of Falakata-Ambari and Jalpesh were transferred to Bhutan. In 1792 Bhutan's claim over Bijni was conceded, but occasional conflicts continued over the question of the tributes Bhutan was liable to pay for the conceded territories.

The Bhutan episode furnished the Company with the information about Assam trade, which the board of directors had been looking for. The Company was interested in further knowledge about the trade and in 1774 appointed Hugh Baillie as the Company's agent at Goalpara, where he had been an agent of Clive's Society of Trade. Britain's territorial interest too was directed towards the east, along with the commercial. In 1774 Captain Henniker made a punitive raid on the plains territories of the Jaintia kingdom bordering Sylhet, and though the causes were not clear even to Captain R. B. Pemberton,¹⁸ realised fines from the raja. In 1789 the Company intervened in the southern side of the Garo foothills against the oppressive control of the *chaudhuries* (landlords) of Mymensingh. The first Garo chief to enter into a 'treaty' with the Company and to be recognised as a *zamindar* of his area was Renghta.¹⁹

The minutes of Cornwallis (3 October 1792) show that the Company's first intervention in Assam was in 1792, at the request of the king of Assam and 'for the commercial advantages that Bengal may obtain' by a friendly and open intercourse with that country.²⁰ Captain Welsh, the commander of the expedition, made a detailed report on the prospects of trade in Assam and hoped that 'a communication with the neighbouring nations might be rendered beneficial to commerce, with proper encouragement'.²¹ Although Welsh was not in favour of British withdrawal,²² in view of domestic opposition, the Company recalled him in 1794. This 'special' relationship with Assam, till 1826 at any rate, was quite congenial to their flourishing trade.

Annexations

Meanwhile, in December 1812 David Scott, the 'energetic' frontiersman of the Company, was appointed judge and joint-magistrate of Rangpur, the northeastern district of Bengal. In 1813, the East India Company lost its monopoly over Indian trade. A greater trading contact with China, provided by the Sea of Canton, became an imperative necessity. The search for additional trade in Assam was a part of this need. The Gurkha war of 1814-16 opened western Tibet through the acquisition of new territories to the west of Nepal, and the emphasis on

Bhutan for a route to Tibet was weakened for a while. But the eastward expansion continued. In September 1816, Scott was appointed as the Governor-General's Agent to the North East Frontier in addition to his post as joint magistrate of Rangpur and commissioner of Cooch Behar, with the duty of exercising 'a general control and superintendence over political relations and intercourse with the petty states in that quarter' including Sikkim, Bhutan, Tibet, Cooch Behar, Bijni, Assam, Cachar, Manipur and Jaintia.²³

While Scott was engaged in bringing the cotton producing Garo²⁴ under British authority, a great opportunity opened up in Assam and Manipur with the beginning of internecine conflicts in the royal families of Assam and Manipur, Burmese intervention in these conflicts, and the worsening of Anglo-Burmese relations. The military defeat of Burma and the signing of the Treaty of Yandabo in 1826 led to the renunciation of Burma's claims on the territories of Assam, Manipur and their neighbourhood as well as the cession of Tenasserim and Arrakan to the British. According to the official British interpretation, the Assam hills west of the Patkoi range of mountains came under British possession by virtue of the treaty.²⁵ In 1852 lower Burma was annexed.²⁶ In 1862 the ceded territories of Burma were constituted into a chief commissioner's province. On 1 January 1886, upper Burma was annexed to it.

In 1826 David Scott was appointed as senior commissioner of Assam in addition to his existing role. A junior commissioner was posted for upper Assam. Scott's advice for restoration of upper Assam to a subordinate monarchy, with a view to pacifying the Assamese gentry, was accepted by the Supreme Government after a series of revolts had taken place and the position of the East India Company had become shaky in England. In 1833 Prince Purandar Singh was installed but was replaced in 1838 on a vague charge of 'mal-administration'. In 1842 Sadiya and the Muttock territory (Dibrugarh) also were annexed, extending direct British rule over the entire Brahmaputra valley. The Cachar plain was annexed in 1832 and its northern hills in two instalments, in 1839 and 1854. Manipur, however, was not annexed; it was given the charge of controlling the western Nāgas.

In the wake of the Burmese attack, the British extended 'protection' to the Jaintia king and secured, from the *siem* (chief)

of Nongkhlow, Tirot Singh, permission for the construction of a sanatorium and a road from Sylhet to Kamrup through his territory. But later Tirot Singh grew suspicious of the British intention. He was joined in his resistance to the penetration by some other Khasi chiefs in 1829, but was crushed in 1833, two years after Scott's death. The Khasi chiefs had to enter into subordinate alliances with the British government and in all surrendered 31 villages to the British. In 1835 the Jaintia king was removed and his territory merged with British India. The Khasi chiefships were reduced to 25 in number under four kinds of chiefs: *siem*, *wahadadar*, *sirdar* and *lyngdoh*.²⁷

In 1837 Pemberton was sent to Bhutan 'to settle terms for commercial intercourse between British India and Bhootan and, if possible, to effect an adjustment of the tributes payable for the *duars*', that is, the passes being used for trade with Bhutan.²⁸ The mission achieved little success. In 1841 the Assam duars were attached against an annual payment of Rs 10,000 to Bhutan. In 1863 the Bengal duars were also attached against a total payment of Rs 25,000 per annum. In November 1864, a full-scale military assault was made against Bhutan, forcing its king to sign the Treaty of Sinchula.²⁹

Lure of the Hills

Once the organised states in the region were brought under British control, the subordination of the turbulent hill people was a matter of time. Cotton, minerals, wild rubber and wild tea held out prospects for profit from the hills. Shortly after 1826, exploration for coal started in Assam. Though petroleum was discovered, it was not until 1865 that experimental drilling was initiated. (Shortly after that, Assam became a chief commissioner's province). Tea received the most immediate attention. By 1830 uncertainty appeared in the East India Company's trade with China, the supplier of tea. Though, as early as 1778 the discovery of indigenous tea was reported from the Singpho area, and during the Anglo-Burmese war a Scottish soldier, Robert Bruce, learnt its preparation from a Singpho chief, tea plantation was planned only after the annexation of upper Assam in 1838. Meanwhile, a bid to import tea seeds

from China was unsuccessful but a few Chinese plantation workers who reached Assam were employed under Charles Bruce, brother of Robert Bruce, to develop tea plants. In 1838 Assam tea was opened for private competition and Bruce was sacked.³⁰ The spread of the tea gardens from the middle of the nineteenth century strengthened the case for a 'forward policy' on the hills.

In the eastern foothills below the Patkoi, as early as 1825, Captain Neufville had met the mutually hostile Khampti (Hkampti), Singpho (Jingphaw), Miri, Muttock and the 'peaceably inclined' eastern Naga.³¹ But the area was not completely subordinated until 1843 when the last batch of rebel Khamptis surrendered. To the west of the region, south of the plains of Nowgong, lived the Mikir, in virtual serfdom to the Assamese aristocracy, and behind them the turbulent Rengma (Naga). The former surrendered in 1838, the latter ten years later. In 1839 a 'forward policy' was initiated in the entire central and western Naga belt. The carrot and the stick were alternately used until 1849, when a major flare-up in the Naga hills made the government fall back. But in 1853, a junior assistant commissioner was stationed at Asalu, in the north Cachar hills bordering the Angami country. As a foil to those intransigent Nagas, several Kukis were settled in north Cachar with arms and rent-free land,³² thus making use of the traditional Kuki-Naga feud for political purposes. The entire Naga hills up to the Burma border however, were not brought under effective administration till the end of British rule in India.

It is necessary to note that until the British advent, the notion of territorial or political authority was unknown in the hills. Thus, the frontier between the sub-Himalayan and *cis*-Himalayan British territory and Tibet was fixed only with the drawing of the McMahon Line in 1914. To the south of the Surma valley, the Chin-Lushai hills, 'a tract of most intricate hill ranges and impenetrable cane-brakes' was *terra incognita* before 1839.³³ Pemberton reported that the Lushai country east of Tripura had once been under the control of the Tripura ruler.³⁴ But Mackenzie held that Tripura's authority over the Lushai had never been settled or absolute.³⁵ Probably, depending upon the feuds, the fluctuating strength and the mobility of the

hill people, the rulers of Tripura, Cachar, Manipur and Burma controlled parts of the region from time to time. Consequently, the British advance on the hills was from all these sides. In 1777, for the first time a friendly chief in the Chittagong Hill Tract sought British assistance against Kuki raids. Successive raids on the gardens, and punitive measures since 1869 led to the Lushai expeditions of 1871-72 and 1889 after which the hills were brought under rule.

Thus the hill areas of northeast India entered the age of politics.

Notes and References

- 1 Acknowledgment to Hem Barua, *The Red River and the Blue Hills*, Gauhati, 1956.
- 2 Fuller's 'Introduction' written for Major A. Playfair, *The Garos*, London, 1909, p. xiii.
- 3 Playfair., op. cit., pp. 10-16.
- 4 H. Bareh., *The History and Culture of the Khasi People*, Shillong, 1967, p. 35; S. K. Chatterjee, *Kirata-Jana-Kriti*, Calcutta, 1956, p. 13; P. R. T. Gurdon, *The Khasis*, London, 1907, pp. 11-12.
- 5 Anthony Gilchrist McCall., *Lushai Chrysalis*, London, 1949, p. 26; A. W. Davis, *Gazetteer of North Lushai Hills*, Shillong, 1894, pp. 4-7.

It is necessary to note that the northern hills of Manipur are inhabited by the Naga whereas the western and the southern hills are inhabited by the Kuki-Chin. Vide T. C. Hodson, *The Naga Tribes of Manipur*, London, 1911, p. 1.

- 6 G. A. Grierson, in his *Report on the Linguistic Survey of India* (Calcutta, 1904, vol. iii, part iii, pp. 6-8) insisted on a connection between the Kuki-Chin, the Meithei, the Bodo and the Naga languages, all belonging to the Tibeto-Burman family, but was inclined to regard Meithei in the broad category of Kuki-Chin languages.
- 7 Sachin Roy (*Aspects of Padam-Minyong Culture*, Shillong 1964, p. 259) finds two different cultural strains in the north-western and the rest of the territory formerly known as NEFA - respectively Tibetan and trans-Brahmaputran, that is, Naga.
- 8 J. H. Hutton has speculated a great deal about the routes of migration of the Naga and the Kuki-Chin. He approved of Grierson's hypothesis about the Naga's link with the second wave

- of emigration 'from the traditional cradle of the Indo-Chinese races of North-Western China' but points out their 'strong cultural affinities' with the natives of Burma and the Philippines without properly linking the points, vide Hutton, *The Angami Nagas*, London, 1921, pp. 6-8. The Kuki, according to Hutton, migrated almost in historic times down the valley of Chindwin from its source to the Bay of B ngal, 'continuously throwing off branches of their race westward', vide his 'Introduction' written for N. E. Parry, *The Lakhers*, London, 1932, p. xvi. E. R. Leach, who worked among the Kachin, described these migration theories as 'preposterous'.
- 9 Playfair, op. cit., p. 22.
 - 10 Hutton in Parry's *The Lakhers*.
 - 11 T. C. Hodson., *The Meitheids*, London, 1908, p. 95.
 - 12 A. C. Banerjee., *The Eastern Frontier of British India, 1784-1826*, Calcutta, 1946, second edition, p. 12.
 - 13 Alexander Mackenzie, *Memorandum on the North-East Frontier*, 1869, quoted in his *History of the Relations of the Government with the Hills Tribes of the North-East Frontier of Bengal*, Calcutta, 1884, p. 369.
 - 14 Ibid., p. 35.
 - 15 *Report on Indian Constitutional Reform*, London, 1918, p. 25.
 - 16 Alistair Lamb., *Britain and Chinese Central Asia - Road to Lhasa, 1767-1905*, London, 1960, p. 8.
 - 17 Quoted by Francis Younghusband, *India and Tibet*, London, 1910, p. 9.
 - 18 Subsection 2 of section 2 of R. B. Pemberton, *Report on the Eastern Frontier*, Calcutta, 1835.
 - 19 Mackenzie, op. cit. p. 247.
 - 20 S. K. Bhuyan., *Anglo-Assamese Relations, 1771 to 1826*, Gauhati, 1949, p. 301.
 - 21 Quoted by Mackenzie, op. cit., p. 389.
 - 22 Ibid., p. 393. Pemberton (p. 128) also stressed the prospect.
 - 23 Bhuyan., op. cit., p. 458.
 - 24 The importance attached to Garo cotton is stressed even in the *Administrative Report of Bengal, 1872-73*, quoted in Mackenzie, op. cit, p. 266.
 - 25 C. U. Aitchison., *A Collection of Treaties, Engagements and Sanads Relating to India and the Neighbouring Countries*, Calcutta, third edition, 1892, vol. I, pp. 198 and 291.
 - 26 As early as 1835, Burma's importance was recognised by the British when Captain R. B. Pemberton visited the eastern frontier of Bengal seeking:

In the first place, to give a general description of the great chain of mountains...

Secondly, to describe the nature of the passes and countries by which this mountain-chain has been penetrated...

Thirdly, to describe the countries extending east from the banks of the Ningthee river to the frontiers of China...

Fourthly, to endeavour to estimate the comparative value of the different passes from the British territories into Ava (Northern Burma) and to offer such suggestions as may appear likely to facilitate the rendering to them either lines of commercial intercourse or military operations. And,

Fifthly, to describe the countries of Cachar, Jynteeah and Cossyah hills which have been recently annexed to the British Indian dominion' (Preface to Pemberton's Report).

27 Mackenzie, *op. cit.*, pp. 237-38.

28 *Ibid.*, p. 11.

29 According to Article 2 of the Treaty of Sinchula, 'the whole tract known as the 18 Dooars bordering on the districts of Rungpur, Cooch Behar and Assam together with the hill country on the left bank of the Teesta up to such point as may be determined by the British Commissioner appointed for the purpose was transferred from Bhutan'. The adjustment of boundary with Bhutan was not completed until 1951, when independent India transferred some territories to Bhutan by the Assam (Alteration of Boundaries) Act of 1951. The transferred territory comprised 32.81 square miles 'lying to the South of Bhutan' within 26°45' and 27° North Latitude and 91°15' and 91°45' East Longitude.

30 J. M. Scott., *The Tea Story*, London, 1964.

31 Mackenzie, *op. cit.*, p. 88.

32 *Ibid.*, p. 146.

33 Robert Reid., *History of the Frontier Areas Bordering on Assam from 1883-1941*, Shillong, 1942, p. 3, quoting D. R. Lyall, Commissioner, Chittagong Division.

34 A. S. Reid., *Chin-Lushai Land*, London, 1893, p. 1.

35 Mackenzie, *op. cit.*, p. 286.

A Specialised Government

In a way, the whole of Assam had a specialised administration till 31 March 1937. Since its annexation to Bengal, the territory was under a non-regulated system. After its constitution as a chief commissioner's province on 6 February 1874, it was declared a scheduled district. On 1 September 1905, it became part of the Lieutenant Governor's Province of Eastern Bengal and Assam. On 1 April 1912, it was separated and converted to chief commissionership, this time with a legislature (under the Indian Councils Act of 1909). It became a Governor's province in 1921.

As regards the hill areas, the British chose to follow in the footsteps of their predecessors the Ahoms who, according to the Assamese historian, S. K. Bhuyan, had worked for 'conciliation, backed by a display of force when it could be effectively applied.'¹ They had come after the disintegration of the Ahom power and in the midst of chaos. One of their earliest tasks, according to the British official historian, Mackenzie, was to 'reconcile' the conflicting claims on land, money and services of *paiks* (serfs) between the people of the hills and of the plains.²

British administration in northeast India had been initiated from Rangpur where in 1816 David Scott established his authority on the Garo after classifying them into three groups: (1) Most of the Garos in the plains were under the effective administration of the landlords of Mymensing and Rangpur. (2) Garos in the foothills were tributary to the landlords but were virtually independent. (3) Independent Garos lived in the high hills. Scott advocated a uniformly specialised administration and a modified judicial system for the first category of Garos.³ Accordingly, Regulation X of 1822 was promulgated. Operation of the existing regulations was suspended. The administration of justice, the collection of revenue, the superintendence of the police and all other branches were vested in the civil commissioner for the northeastern parts of Rangpur. The officer

would conduct it 'agreeably to the principles and spirit of the existing Regulations' subject to the restrictions of Regulation X of 1822, and other modifications made by the Governor-General, in the rules of administration of criminal and civil justice and revenue duties.⁴

Extension of authority over the Khasi and the Cachar hills led to the enactment of Act VI of 1835 by the Governor-General of India in Council, on 30 March 1835. Accordingly, the functionaries appointed to 'the political charge of the Cossiyah Hills, or the Superintendence of the Territory of Cachar' were placed under the control and superintendence, in civil cases, of the *Sudder Dwenny Adawlut* (civil court) and in criminal cases of the *Nizamut Adawlut* (criminal court). The officers in the territory of Cachar were placed, in revenue cases, under the control and superintendence of the *Sudder* board of revenue, which would be exercised in conformity with the instructions received from the government at Fort William in Bengal. The responsibility for the administration of the 'British' villages in the Khasi hills was vested in their local heads designated as sardars.

Following the report of A. J. Moffat-Mills (1853) the foundations of district administration were laid in Assam.⁵ In 1854 a junior assistant commissioner was appointed as the administrator of the British portion of the Khasi-Jaintia hills, simultaneously functioning as Political Agent to the Khasi states.⁶ The Jaintia territories were divided into twelve *dolloiships*. The *dollois* heard all civil cases, at first without exception and after 1841 up to a certain limit, and all criminal complaints not of a heinous character in which only the people of their own villages were concerned. Their administration was corrupt. In 1860, a house tax was imposed, sparking off two successive rebellions up to March 1863.⁷

In 1862 Cecil Beadon, the Lieutenant Governor of Bengal, laid down that the hill people had to be 'made to understand and feel the power' of the government through 'a simple plan of government suitable to their present condition and circumstance, and interfering as little as possible with existing institutions' through the extension of intercourse with them and endeavour 'to introduce among them civilization and order'.⁸ After November 1863 an English officer was stationed at Jowai (Jaintia hills)⁹ and the headquarters of the district were

shifted from Cherrapunji to Yewduh,¹⁰ a place named after a local market and renamed in 1866 as Shillong, after the local deity inhabiting the highest hill. The British Khasi and Jaintia District consisted of the hill territories of the former Jaintia raja, the 31 British villages acquired from the other Khasi chiefs and a part of the town of Shillong 'ceded' by the Myllem siemship.

On 13 November 1866, the Lieutenant Governor of Bengal issued two orders constituting the Naga Hills District, 'consisting of that part of the district of Nowgong which lies on the right bank of the river Dhansari, the Naga Hills and the country on both banks of the river Doyang' and ordering Lieutenant J. Gregory, the officer in charge of the North Cachar Subdivision, to take over as deputy commissioner of the new district.¹¹ He was instructed to 'do his best by tact and good management, supported by a moderate display of physical force to bring that portion of the hill tract adjacent to the plains into order'. A conciliatory demeanour, 'perhaps the expenditure of a little money to leading men' and, if that failed, 'punitive measures' were advised. Necessary roads had to be constructed in a simple and inexpensive manner 'just sufficient for the opening of the country to the extent actually required'.¹² There were some good results from these steps in the 'friendly' village of Samuguting. But government policy with regard to the Naga remained hesitant for a long time. In December 1867, the Lieutenant-Governor defined the district's boundary as extending up to the Doyang river on the east. In the rules for administration of justice issued in 1872, the Naga hills were called an 'agency' and the deputy commissioner was renamed 'Political Agent'.

With the appointment of an officer at Tura in 1866, arrangements were made for roads, buildings and police in the Garo hills as in the Naga hills, but with 'more immediate and complete' success. 'It was at the outset the policy', Mackenzie said, 'that no attempt should be made to coerce any neutral independent clan, but all voluntary submission was frankly accepted'.¹³ The revenue survey of Mymensingh in 1857 had earlier laid down the northern borders of that district on the Garo foothills. On a petition by the Susang raja, however, the High Court ruled that the map did not represent the true boundary of the raja's estate. The government therefore passed the Garo Hills Act (Act XXII) of 1869 defining the Garo Hills

District as 'bounded on the north and west by the District of Gawalpara, on the south by the District of Mymensingh as defined by the Revenue Survey, and on the east by the Khasi Hills', and removing it from the jurisdiction of the civil, criminal and revenue courts and other offices established under the Bengal Regulations and Acts.

Act VI of 1835 (insofar as it is related to the Khasi-Jaintia hills) and Regulation X of 1822 were repealed. No subsequent Act of the Governor-General-in-Council would extend to any part of the territory, unless it was specifically provided for. The Lieutenant Governor of Bengal could extend the Act to the British portion of the Khasi, Jaintia and Naga hills. The Act came into force in the Garo Hills District on 1 March 1870, and was extended to the Naga Hills, the Khasi Hills and Jaintia Hills Districts on 1 November 1871.¹⁴ The zamindars were forbidden to collect taxes and revenues from the Garo hills. The Garo Hills Regulation of 1876, reissued in 1882, restricted the exploitation of the Garo forest resources by non-Garos.

There was trouble in the Garo hills in 1870 and again in 1881-82, with the encouragement of the neighbouring zamindars. After suppressing the latter revolt, the deputy commissioner reported that the *laskars* (fiscal officers in charge of circles of villages) and the *nokmas* (village headmen) had, on the whole, 'behaved well'. The *laskars* had not yet acquired very much influence or authority though the deputy commissioner hoped that in time they would.¹⁵

Between the Lines

Segregation was the initial British policy for the frontiers. Section 2 of the Bengal Eastern Frontier Regulation of 1873 made it lawful for the government 'to prescribe, and from time to time alter by notification ... a line to be called the Inner Line and to prohibit any subject living outside the area from living or moving therein'. The Inner Line, according to Mackenzie, was 'defined merely for the purpose of jurisdiction' and did not 'decide the sovereignty beyond'. 'The active control of the district officer need not necessarily extend up to the boundary, but it must, under no circumstances, be carried further. Beyond

this line the tribes are left to manage their own affairs with only such interference on the part of the frontier officers in their political capacity as may be considered advisable with the view to establishing a personal influence for good among the chiefs and the tribes.¹⁶ Till 1882 it covered only the Himalayan frontiers and the eastern part of the Naga hills. However, by 1942, when north Cachar was Inner Lined, all the hills except the Khasi, the Garo and the Mikir were encircled.

A somewhat confusing situation arose out of the concept of 'political control' on an ever expanding frontier. After the occupation of Kohima and Wokha in 1878 for instance, 'the general policy appears to have been one of consolidating our rule around those two countries.'¹⁷ Even in 1882, 'our writ ran only in an area covering Kohima and Wokha and their immediate neighbourhood.'¹⁸ Outside this zone, the policy was one of occasional 'promenades' and pacification of the tribes but the local officials took every opportunity to extend their authority. In 1883 the Government of India expressed its preference for 'the existing methods of checking and punishing border offences', and approved of 'the arrangement under which the political control of the Nagas to the east of the Lhota country (Wokha)... will be made over to the Deputy Commissioner of the Naga Hills' with the reservation that interference with inter-tribal quarrels should, as a rule, be limited to those cases which involved: (1) outrages on British subjects; (2) violation of the Inner Line; (3) danger to the interests of people dwelling inside the British borders by reason of the proximity of disturbances outside, such disturbances, for instance, as would be likely to intimidate coolies employed upon tea estates or cultivators.¹⁹

To describe the limits of 'political control' a phrase – the Outer Line – found place in administrative usage. The Outer Line had no connection with the international frontier. After the annexation of upper Burma and the drawing of the McMahon Line the phrase lost currency. But 'political control' survived it. In the control area there was no taxation or prohibition of war and headhunting. But the government reserved the right of intervention in cases of such conflicts leading to excesses.²⁰

In later days, as the areas of political control, particularly in the Naga hills, went on being converted into areas of administrative control, administration was extended across

the Inner Line, the first such incident being the establishment of an outpost at Mokokchung in 1890. Movement of non-officials continued to be restricted. Subsequently, the Inner Line went on being drawn, covering a much vaster area and permitting only the officials and persons approved by them, like missionaries, within the zone. By the end of the British period, administration had spread over all the hills except the areas covered by the Himalayan Frontier Tracts and the so-called Naga Tribal Area.

The Scheduled District

Shortly after the enforcement of the Government of India Act of 1870, on 6 February 1874 the Governor-General by two notifications took upon himself the administration of some of the eastern districts of Bengal and constituted them into the Chief Commissioner's Province of Assam. Following this, two very important Acts were passed in 1874 by the Governor-General-in-Council to set up an all-India pattern for the administration of those areas that might be declared as 'backward tracts'. The first was the Scheduled Districts Act (Act XVI) of 1874 passed on 8 December 1874, 'to provide readier means than now exist for ascertaining the enactments' in force in the various parts of British India, which till then had not been under *all* the general Acts and Regulations. Section 3 of the Act provided that the local governments, with the previous sanction of the Governor-General-in-Council could, by notification, declare enactments which were or were not actually in force in any part of any such district.

According to Section 6 of the Act, local governments could from time to time:

- (a) appoint officers to administer civil and criminal justice, to superintend the settlement and collection of the public revenue and all matters relating to the rent and otherwise to conduct the administration within the Scheduled District,
- (b) regulate the officers so appointed, but not so as to restrict the operation of any enactment for the time being in force in any of the said districts,

(c) direct by what authority any jurisdiction, powers and duties incident to the operation of any enactment for the time being in force in such district shall be exercised or performed.²¹

The whole of the chief commissionership of Assam was to be a scheduled district, but the Act was declared to be in force in Assam by the Governor-General only on 3 November 1877. The Extent of Local Laws Act (Act XV) of 1874 restricted the application of the General Acts and Regulations in the scheduled districts. With the enforcement of Act XIV of 1874, the Garo Hills Act of 1869 and Act VI of 1835 were repealed.

After the constitution of the chief commissionership of Assam, the chief commissioner, Keating, pressed for a gradual extension of control. In 1878 the Supreme Government finally approved of the plan and the headquarters of the Naga hills were pushed deep into the Angami country, to Kohima, while another administrative centre was opened at Wokha in the Lhota country. On 2 May 1881, Charles A. Elliot, chief commissioner of Assam, submitted a comprehensive memorandum on the administrative organisation of the Naga hills.²² Though 'the final decision to make the Naga hills a British District was taken in 1881',²³ the Governor-General's letter sanctioning the plan and restoring the title of deputy commissioner to the Naga hills' administrator, known as Political Agent since 1872, was issued only on 24 April 1882.²⁴ Elliot's proposal for equal levy of forced labour and disarmament of the Angami was partly accepted.

In 1880 the Assam Frontier Tracts Regulation (Regulation 2) of 1880 was issued, 'to provide for the removal of certain frontier tracts in Assam inhabited or frequented by barbarous or semi-civilised tribes from the operation of enactments in force therein'. The Regulation empowered the chief commissioner to declare (with the previous sanction of the Governor-General) from time to time, that any enactment in force in a frontier tract, would cease to operate, but without affecting the criminal jurisdiction of any court over European British subjects.

On 8 November 1882, for the first time a frontier tract in the northeastern corner of Assam, namely the Dibrugarh Frontier Tract, was established. F. J. Needham was appointed Assistant Political Officer for the tract and stationed at Sadiya, under the direct authority of the deputy commissioner of Lakhimpur

District, who had the overall administrative responsibility while the Assistant Political Officer had an advisory role.²⁵ Creation of this tract was followed by the applicability to it of the Assam Frontier Tracts Regulation of 1880,²⁶ opening the sub-Himalayan frontier in the northeast to British control. Soon the system of frontier administration was applied to other hill areas, even those deep inside the Assam territory.

Doubts had meanwhile been expressed about the applicability of the Code of Criminal Procedure of 1872, as the Scheduled Districts Act had repealed the Garo Hills Act but not the Code. So the Assam Frontier Tracts Regulations (Regulation 3) of 1884 was issued by the Governor-General to empower the extension of the Assam Frontier Tracts Regulation of 1880 to the hills which, though not frontier tracts within the meaning of that Regulation, were 'inhabited or frequented by barbarous or semi-civilised tribes.' The Regulation which declared that the Code of Criminal Procedure 'shall be deemed never to have come into force in the Garo Hills District, the Naga Hills District and the Khasi and Jaintia Hills District', was extended to the Naga Hills District on 22 April 1884²⁷ and the north Cachar hills on the same day,²⁸ to the Garo hills and the Khasi and Jaintia Hills Districts on 5 November 1884²⁹ and to the Mikir hills on 12 November 1884.³⁰ The Code of Criminal Procedure was later applied in parts in the hill districts.³¹

In 1890 J. W. Quinton, the chief commissioner of Assam, proposed the taking over of the north Lushai hills and sent his personal assistant, Captain Browne, as the Political Officer to Fort Aijal, with orders to 'keep moving about among the chiefs with the object of establishing political influence and control over them.'³² But it was only on 6 September 1895 that the *de facto* position in the North Lushai Hills District 'which had persisted since 1890, apparently without formal legal sanction, was regularised by a proclamation.'³³ On 12 January 1890, D. R. Lyall, the commissioner of Chittagong Division, proposed the placing of the south Lushai hills under a superintendent or a Political Officer, separately from the Chittagong Hill Tract.³⁴ Accordingly, on 1 April 1891 the South Lushai Hills District was constituted with a superintendent over it. The administration entailed only fringe contact with the hills, through the holding of an annual fair at Rangamati, where the autonomous chiefs

and headmen were required to pay their respects to the commissioner. Administration, 'at least for the present', would be confined to preserving the public peace. Falam's chief, under Burma, and some eastern Lushai chiefs, defied the government in 1894-95.³⁵ After the suppression of the revolt, British Burma's control was brought further west of the Manipur river up to Fort Tregear in February 1897.³⁶

The move for administrative unification of the Chin-Lushai hills³⁷ seems to have been foiled by Alexander Mackenzie, then chief commissioner of Burma, who also persuaded the Government of India against too much administration of the Lushai.³⁸ The whole area took a long time to be brought under administrative control, the last to be brought in as late as 1924 being the Lakher region. The Chin areas remained with Burma. On 1 April 1898, the south and the north Lushai hills were merged into one Lushai Hills District within Assam³⁹ and the Lushai Hills rules for administration of justice were issued.⁴⁰ The Assam Frontier Tracts Regulation of 1880 was extended over the district.⁴¹ Before this, however, the Chin Hills Regulation (Regulation V) of 1896, passed on August 13, had authorised the superintendent or the deputy commissioner to order any undesirable outsider to leave the area⁴² and to tax the residents, permanent or temporary, houses, clans and villages. On 9 October 1911, the Regulation was extended to the north Cachar hills, the Garo hills, the Khasi and Jaintia hills (excluding the Shillong municipal and cantonment area where only the provision for taxation would apply), the Naga hills and the Mikir hills.⁴³

Exclusion from Reforms

Under the Government of India Act of 1915, the power of the Governor-General to make regulations for the peace and good government of the country, upon drafts submitted by the local governments was retained (Section 71). The Assam General Clauses Act of 1915 provided that no local Act would come into force in the 'backward tracts' unless expressly extended to them under the Scheduled Districts Act.

During discussions on the hills under the Montford Reforms,

official opinion in Assam varied widely. Chief Commissioner Archdale Earle supported the exclusion of the areas from the scheme of the reforms while senior officials wanted the Garo, Mikir and north Cachar hills to be included in it.⁴⁴ The central government had no eagerness to bear the expenses of an 'excluded' administration and, contrary to the Montford recommendations, adopted a uniform pattern of 'partial exclusion'. The notification for partial exclusion under the Government of India Act of 1919 said that the Governor-in-Council could bar the application of any local law from such an area or provide for exceptions or modifications in such a law. When the provincial legislature legislated solely for a partially excluded area, it had to provide that the Governor could bar its application and provide for exceptions or modifications in its application in any partially excluded area. The competence of the provincial legislature over the partially excluded areas was thus restricted.

In the Legislative Assembly of Assam, one member was nominated from the entire partially excluded area. At first a Garo was chosen for that seat. But in view of his so-called shortcomings in language, a Welsh Presbyterian missionary was nominated in his place in 1924. Finally a Gorkha was taken. Naturally the Indian Statutory Commission considered the representation inadequate.⁴⁵ However, in the administrative sphere the Governor had a special responsibility for the 'backward tracts' and all matters concerning them needed his approval. In respect of these areas, therefore, 'dyarchy' had little meaning. Among them, again, the Naga and the Lushai hills and the unadministered portions of the frontier tracts were treated as special inasmuch as judicial appeals from them went to the Governor and were treated as 'political'.⁴⁶

The position of Shillong, only a part of which had been 'ceded' by the siem of Myllem, was somewhat peculiar. Jurisdiction of the Shillong municipality, founded in 1910, went beyond the 'British territory' by virtue of the government's 'foreign jurisdiction'. The legality of the creation of the Shillong urban constituency under the Government of India Act of 1919 was challenged in 1928 by a no-confidence motion against Rev. J. J. M. Nichols-Roy, a minister who had been elected from that constituency and who lived in the siemship area like the majority of his voters.⁴⁷ The Government of Assam moved the Government

of India and got the electoral rules amended. Later, a judicial suit challenging the election was lost.⁴⁸

The Government of Assam told the Simon Commission that in the interests both of the backward tracts and the rest of the province, 'the present artificial union should be ended. The backward tracts should be excluded from the province of Assam and be administered by the Governor-in-Council, as agent of the Governor-General-in-Council at the cost of the central revenues.'⁴⁹ The separation thus proposed was not territorial but constitutional. The suggestion was based on the recommendation of J. H. Hutton, then deputy commissioner of the Naga Hills District, that 'in the interests of the plains districts' the hill districts 'should be withdrawn from the reformed constitution altogether and that as soon as possible.'⁵⁰ Hutton had forwarded a less innocent suggestion from the superintendent of the Lushai Hills District, N. E. Parry, for:

- a) a hill division comprising all the 'backward' tracts,
- b) a province including the Assam hills and any other hill or 'backward tracts' in Burma which could be suitably included, with possible headquarters at Kohima.⁵¹

The Indian Statutory Commission could not appreciate the prevailing system of exclusion because even though some of these areas had homogeneously backward populations, others had mixed populations. The homogeneously backward tracts had indeed to be excluded from ministerial administration and the ordinary competence of the federal and provincial legislatures. Administration of such areas would be vested in the Governor-General acting through the Governors. As for the tracts to be chosen for partial exclusion, the commission recommended that they 'should continue to return representatives' to the provincial legislatures. The Governor as the agent of the Governor-General-in-Council would decide how far legislations enacted by the provincial legislature would apply to them. 'They will be under the same system of taxation, for provincial purposes, as the rest of the provinces, and the provincial revenues raised within them must be spent upon them.' The additional funds needed would come from central revenues. The administration of these areas, however, would vest with the Government of India acting through the Governor. But the commission suggested that 'rules should be made to

provide how far the Governor in exercise of his agency duties would act in consultation with the Ministers of the province who would advise him in the discharge of these responsibilities'.⁵² Thus the partially excluded areas would have a status equal to that of the backward tracts under dyarchy, subject to the rules about the application of the Governor's discretion. Proposal No. 108 of Ramsay MacDonald envisaged the principle of exclusion of the 'backward tracts' under the schemes of reforms. The Government of India Bill of 1933 proposed that the powers of the federal and provincial legislatures would not extend to any part of a province declared to be an excluded or a partially excluded area. In the case of the former, the Governor himself would direct the administration, while in the case of the latter he would have a 'special responsibility'.

According to the Simon Commission, the Governor would also be empowered to make regulations having the force of law for the peace and good government of any excluded or partially excluded area, subject to the prior consent of the Governor-General. The provision of the Bill relating to such regulations was very much similar to that under the Government of India Act of 1870. But the joint select committee on Indian Constitutional Reforms (session 1933-34) held that 'a distinction might well be drawn in this (Regulation-making) respect between Excluded Areas and Partially Excluded Areas, and that the application of Acts to, or the framing of Regulations for, Partially Excluded Areas is an executive act which might appropriately be performed by the Governor on the advice of his ministers, the decisions taken in each case being, of course, subject to the Governor's special responsibility for Partially Excluded Areas, that is to say, being subject to his right to differ from the proposals of his Ministers if he thinks fit'.⁵³

The Government of India Act of 1935 in part III, chapter IV, Section 91, required the Secretary of State for India to formulate the order, for the consideration of Parliament, declaring the excluded and partially excluded areas to be recommended to the Crown for his assent. His Majesty was also authorised to make 'partially excluded' the whole or a part of an excluded area, to direct that the whole or a part of a partially excluded area would cease to be so, to rectify their boundaries and to readjust them subsequent upon the alteration of boundaries between

provinces. According to Section 92, the executive authority of the province would extend to excluded and partially excluded areas therein. Yet, no federal or provincial legislative Act would apply to any such area without the Governor's direction. While issuing such direction the Governor could modify its application in the area. The Governor would make regulations for the peace and good government of any such area, subject to the approval of the Governor-General. Subsection 3 of the Section laid down that the Governor's powers in respect of the excluded areas would be exercised in his discretion, that is, outside the scope of ministerial advice. The Governor had a 'special responsibility' in respect of the partially excluded areas [Section 52(1) (e)], to be discharged in his 'individual judgement'. The Governor had the discretion to decide when he was required to act in his individual judgement.

The Simon Commission envisaged the exclusion of all the Assam hills except 'possibly' the Khasi and Jaintia Hills District, though the excluded areas were not to be treated as 'minor administration' entirely outside the borders of the Governor's province.⁵⁴ In recommending full or partial exclusion the Secretary of State sought to follow two principles: (1) exclusion must be based upon strict necessity and should be as limited as possible; and (2) partial exclusion must be based on the preponderance of aboriginal or very backward people of sufficient size.⁵⁵ The Government of India (Excluded and Partially Excluded Areas) Order of 1936 declared the Naga Hills District, the Lushai Hills District, the North Cachar Subdivision of the Cachar District and the frontier tracts as excluded areas. The Garo Hills District, the Khasi and Jaintia Hills District (excluding Shillong) and the Mikir hill tracts of the Nowgong and Sibsagar Districts were declared as partially excluded areas. The latter got franchise.

One of the major reasons for British hesitation to spread administration on the border hills – especially the Naga and the Himalayan borders – was the consideration of expenses. In July 1928, the memorandum of the Assam government to the Simon Commission calculated the total annual deficit for hills administration at about Rs 6.5 lakh. Only the Jaintia hills (partly settled) and the Lakhimpur Frontier Tract (plains) showed a surplus. Neither the government nor the political

parties of Assam were interested in tagging the hill districts with the constitutional government of Assam.⁵⁶

Under the 1935 Act the revenue allocation for partially excluded areas was votable while that for excluded areas was 'charged on' the revenue of the province. The result of this distinction was not very happy. The partially excluded areas, particularly the Mikir hills, were in a sad state.⁵⁷

The Twilight Zone of Power

The varying circumstances in which British authority was extended over eastern India may explain the different forms of that authority over the different areas. To start with, Sikkim and Bhutan were never annexed to the British Raj, presumably because of their international significance, nor were they reduced to the status of 'native states'. Technically they were vassals of the British Indian government which exercised considerable authority in the internal affairs of these principalities. The 'native states' on the southern side of the Himalayas – Cooch Behar, Tripura, the 25 Khasi siemships and Manipur – were only nominally independent, and the government exercised its authority through Political Agents. Thus, between 1871 and 1878 a full-time officer, and from 1878 the district magistrate of the British district of Tripura was the Political Agent of the Governor of Bengal to Hill Tripura. The deputy commissioner of the British Khasi and Jaintia Hills District acted as Political Agent to the Khasi states of, first the chief commissioner of Assam, then the Lieutenant-Governor of Eastern Bengal and Assam, and finally the Governor of Assam. A separate Political Agent was appointed for Manipur to represent the head of the Assam government.

The extent of authority exercised on different states at different times was frequently based on doubtful theories and was not uniform. Until the middle of the nineteenth century the British authorities 'recognised' the rulers through various 'agreements' and extracted various kinds of advantages. In 1765 the Tripura king is said to have tendered allegiance to the East India Company. Yet Aitchison said, 'The British Government has no treaty with Tipperah, nor does it receive any tribute.'⁵⁸

In 1773 the Cooch Behar king sought British assistance against Bhutanese aggression, agreeing to the annexation of Cooch Behar to Bengal. In 1776 a *sanad* was issued conferring the zamindari right on the Cooch Behar prince. In 1862 Viceroy Canning granted the raja a sanad enabling him to adopt his successor. In that sanad Cooch Behar was mentioned as a 'state'. 'In 1873, a question arose as to whether Cooch Behar should be designated a "state", an "estate" or a "Raj"; the decision was that the designation "state" which had been used in the adoption sanad granted the Raja of Cooch Behar, by Lord Canning, should remain unaltered. Cooch Behar now, therefore, bears the designation "state".'⁵⁹ In a similarly doubtful way, in 1891 the government took over the administration of Manipur and decreed that Manipur was a subordinate native state.⁶⁰ In 1907, the *gaddi* was restored to the royal family but the Manipur hill areas came under the virtual control of the British official designated as president of the Manipur Durbar.⁶¹ Until 1858 the Khasi chiefs were accorded 'recognition' through treaties on behalf of the Viceroy. Since 1859 they had to execute agreements before succession and were granted sanads of 'appointment' after it by the deputy commissioner of the Khasi and Jaintia hills.⁶²

Foreign Jurisdiction

An intriguing part was played by the concept of 'foreign jurisdiction', through which the Viceroy's authority over the native 'states' was exercised. The 1858 proclamation of Queen Victoria guaranteed the integrity of the territories of the native rulers, thus placing in the Viceroy a guardian's role *vis-à-vis* the states. The General Clauses Act of 1868 first defined 'British India' as 'the territory for the time being vested in Her Majesty' by the Government of India Act of 1858 which, however, had not used the words 'British India'.

After the enactment of the Code of Criminal Procedure (Act X of 1872) the Foreign Jurisdiction and Extradition Act (Act XI of 1872) was passed to enforce it 'within diverse places beyond the limits of British India', wherein 'by treaty, capitulation, agreement, grant, usage, sufferance and other lawful means the Governor-General-in-Council has power and jurisdiction'.

It did not define the source of such power and authority, but only sought to lay down the modes of their exercise. After the enactment of the Criminal Procedure Code of 1878, another Foreign Jurisdiction and Extradition Act was passed in 1879.

The Interpretation Act of 1889 first defined 'India' as 'British India together with any territories of any native prince or chief under the suzerainty of Her Majesty' and the Foreign Jurisdiction Act of 1890 superseded the Foreign Jurisdiction and Extradition Act of 1879. On 13 June 1902, a Foreign Jurisdiction Order in Council was passed in the Court at Buckingham Palace 'by virtue of and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise, in His Majesty vested.' The scope of this Order, according to Ilbert, was 'very wide' and covered the 'transborder tribes'.⁶³ This author, however, failed to trace any evidence of the application of foreign jurisdiction to the 'unadministered' Nagas. In any case, it did not prevent the bringing of any area inhabited by them within British India.

The phrase 'tribal areas' was invented by the Government of India Act of 1935 which defined them as 'the areas along the frontiers of India or in Baluchistan which are not part of British India or of Burma or of any Indian State or of any foreign State' [Section 311(1)]. 'India' was defined in the same Section as 'British India together with all territories of any Indian Ruler under the sovereignty of His Majesty, all territories under the suzerainty of such an Indian Ruler, the tribal areas, and, any other territories which His Majesty in Council may, from time to time...declare to be part of India.' The scope of 'foreign jurisdiction' was confined only to the native states (Section 294) and the tribal area was placed under the executive authority of the Governor-General [Section 313(2)(C)] to be exercised by Governors in their discretion as the Governor-General's agents [Section 123(1)]. A new Indian Foreign Jurisdiction Order, passed on 18 March 1937 in the Court at Buckingham Palace, under the Foreign Jurisdiction Act of 1890, excluded the 'tribal areas' in India from the scope of the order 'without prejudice, however, to the validity of anything previously done thereunder'. The Governor of Assam was directed to discharge, as the agent of the Governor-General-in-Council of India, 'in and in relation to the tribal area beyond the external boundaries of the province of Assam all functions hitherto discharged in, and

in relation to, the said area by the said Governor as the agent to the Governor-General in respect of the political control of the trans-border tribes, the administration of the said areas and the administration of the Assam Rifles and the Armed Civil Forces.⁶⁴ This peculiar legal status of the area was ended only after the transfer of power.

Notes and References

- 1 Bhuyan, *Anglo-Assamese Relations, 1771 to 1826*, Gauhati, 1949, pp. 33–34.
- 2 Alexander Mackenzie, *History of the Relations of the Government with the Hill Tribes of the North-East Frontier of Bengal*, Calcutta, 1884, p. 7.
- 3 Bhuyan, op. cit., p. 457.
- 4 Mackenzie, op. cit., pp. 247–53; Nirode K. Barooah, *David Scott in North-East India: A Study in British Paternalism*, Delhi, 1970, pp. 53–57.
- 5 Though a special civil commissioner for Assam was appointed in 1854, Assam remained under the non-regulated system until 1874.
- 6 Ibid., p. 243. See also the *Report of the United Khasi–Jaintia Autonomous District Commission*, 1964.
- 7 Mackenzie, op. cit., p. 240.
- 8 Ibid., p. 242.
- 9 Ibid., p. 243.
- 10 Ibid., pp. 243–44.
- 11 *The Calcutta Gazette*, 14 November 1866, p. 1965.
- 12 Ibid., p. 120.
- 13 Mackenzie, op. cit., p. 264.
- 14 See *The Calcutta Gazette*, 2 March 1870, part II and 1 November 1871, part II.
- 15 Ibid., p. 267.
- 16 Ibid., pp. 89–90.
- 17 Robert Reid, *History of the Frontier Areas Bordering on Assam from 1883–1941*, Shillong, 1942, p. 101.
- 18 Ibid.
- 19 Ibid., pp. 103–104.
- 20 Ibid., pp. 158–61.
- 21 *The Assam Gazette*, 10 November 1877, part I.
- 22 Mackenzie, *History*, p. 142.
- 23 R. Reid, *History*, p. 101.

- 24 Assam Secretariat Records, Political A. 1882, August, No. 9. The officer designate was McCabe. (The author is indebted to Dr S. K. Barpujari of Gauhati University for supplying this material.) The new designation was confirmed by the issue of a fresh set of rules for justice and police in the Naga hills on 21 October 1882, vide *The Assam Gazette*, 4 November 1882, part II.
- 25 R. Reid, *History*, p. 184.
- 26 Foreign Department Notification No. 989 E, dated 22 April 1884, *The Assam Gazette*, 10 May 1884, part III.
- 27 Foreign Department Notification No. 988 E, dated April 22, 1884, *ibid.*, 10 May 1884, part III.
- 28 Foreign Department Notification No. 989 E, dated 22 April 1884, *ibid.*
- 29 Foreign Department Notification No. 2892 E, dated 5 November 1884, *The Assam Gazette*, 22 November 1884, part III.
- 30 Foreign Department Notification No. 2936 E, dated 12 November 1884, *The Assam Gazette*, 29 November 1884, part III.
- 31 The Civil Procedure Code was never applied in the hills beyond British Shillong.
- 32 R. Reid., *History*, p. 15.
- 33 *Ibid.*
- 34 *Ibid.*, pp. 26–28.
- 35 *Ibid.*, p. 23.
- 36 *Ibid.*, p. 39.
- 37 The Chin–Lushai conference at Calcutta in January 1892 recommended it by a ‘majority’, vide Reid, *op. cit.*, p. 38.
- 38 The chief commissioner’s letter dated 17 July 1897 to the Government of India, vide Reid, *op. cit.*, p. 40.
- 39 R. Reid, *op. cit.*, p. 43.
- 40 *Ibid.*
- 41 Foreign Department Notification No. 522 E, *The Assam Gazette*, 2 April 1898, part III.
- 42 *The Assam Code*, vol. I, Shillong, 1955, p. 266.
- 43 Notification No. 786 P, dated 9 October 1911, *The Eastern Bengal and Assam Gazette*, 11 October 1911, part II, p. 1882.
- 44 *Report of The Indian Statutory Commission*, (Simon Commission Report) 1930, vol. 2, p. 110.
- 45 *Ibid.*, vol. I, p. 160.
- 46 *Ibid.*
- 47 *Memorandum of the Government of Assam on the Working of the Reformed Government together with the Recommendations of the Local Government prepared for the Indian Statutory Commission*, July 1928, Calcutta, 1930, pp. 84–86.

- 48 Nai K. Rengnephang U Nongpynim, April 1930, reporting the election case of *Jogendra Chandra Choudhury v Secretary of State for India* in the Sylhet subdivisional court.
- 49 Government of Assam, *Memoranda*, p. 101.
- 50 *Ibid.*, p. 115, Hutton's note.
- 51 *Ibid.*, p. 122, Parry's note.
- 52 The Statutory Commission, *Report*, vol. 2, p. 111.
- 53 The Joint Select Committee on the Indian Constitutional Reforms (session 1933-34), *Report*, vol. I, part I, p. 80.
- 54 The Statutory Commission, *Report*, vol. 2, pp. 109-111.
In view of Nichols-Roy's demand for the inclusion of the Khasi-Jaintia hills within the reforms, the Government of Assam was not definite in its *Memoranda* (p. 101) about the district. However, the chief secretary to the Government of Assam later told the Simon Commission that the government was in favour of exclusion of the district minus Shillong. See the *Indian Statutory Commission*, vol. XV, *Extracts from Official Oral Evidences*, Calcutta, 1930, p. 343.
- 55 *Report of the Sub-Committee on Excluded and Partially Excluded Areas (other than Assam)*, Introductory Note, available in *Constituent Assembly Debates*, vol. 7, no. 1, Appendix, and B. Shiva Rao, *The Framing of India's Constitution*, Delhi, 1966, vol. III.
- 56 Government of Assam, *Memoranda*, pp. 82-83.
- 57 *Report of the Sub-Committee on the Tribal and Excluded Areas of North-East India (Assam)*, Introductory Note, in *Constituent Assembly Debates*, Vol. 7, No. 1, Appendix and B. Shiva Rao, *op. cit.*
- 58 C. U. Aitchison, *A Collection of Treaties, Engagements and Sanads Relating to India and the Neighbouring Countries*, Calcutta, third edition, 1892, vol. I, pp. 107-108.
- 59 *Ibid.*, pp. 100-103.
- 60 R. Reid, *History*, p. 87.
- 61 Viceroy's telegram quoted by Reid, *op. cit.*, p. 60.
- 62 Aitchison, *op. cit.*, pp. 221 and 230-31.
- 63 Courtney Ilbert, *The Government of India*, 1915, pp. 107-108.
- 64 *The Gazette of India*, April 3, 1937, part II, Government of India, External Affairs Department, Notification Nos. I-X, dated 1 April 1937.