Chapter IV

Redemarcation of Garo Hills Boundary: Problems and Reactions.

The Garo Hills Act of 1869.

As the zamindars of the estates along the frontier persisted in claiming rights to levy tribute and cesses from the Garos, the Government also contemplated to extinguish these claims and settle the payment of compensation if necessary to the border zamindars. The authorities felt the need of defining the Garo Hills boundaries on its four sides and with this end in view the Regulation X of 1822 was passed in 1822. By this Regulation many Garo villages had been separated from the dependency on the zamindars on the Goalpara side. It was also intended by this same Regulation to separate the Garo villages and to define the boundaries of the Garo Hills district in the Mymensingh side too. But the Regulation now failed in its objectives. The decision of the High Court in the Shoosung Raja’s case declared that the powers given by it affected only the tract specified in section 2 of the said Regulation, viz: the three jurisdictions of Dhubri, Goalpara and Karraibari and that the later part of section 8, which empowered the Governor General in Council to separate from the zamindars estate any tract of country inhabited by the Garo.
applied only to the estates within the boundary jurisdiction of Dhubri, Goalpara and Karraibari.\textsuperscript{1}

The Lt. Governor under these circumstances considered it an urgent necessity to enact a new regulation by which the final boundary of the Garo Hills could be effected or settled. An act XXII of 1869 was therefore passed which is also known as “The Garo Hills Act, 1869” and the Garo Hills district was removed from the operation of the general Regulations and Acts. Under Section 4, the act defined the territories of the Garo Hills as bounded on the north and west by the district of Goalpara, on the south by the district of Mymensingh as defined by the revenue survey, on the east by the Khasi Hills. Section 7 of the act stated that the Lt. Governor may prevent by such means as he shall think fit, the collection by zamindars or other persons of any cesses, tributes or exactions, whatsoever pretence the same may be levied, from the inhabitants of said territory, and may make arrangements either for the remissions of such cesses, tributes and exactions or for their collection direct by the officers of government, making such compensation to zamindars or others justly entitled thereto, for the relinquishment of the same as may to him seem proper. Section 10 of the act states “Whenever a question arises whether any place falls within the boundary of the territory described in section four or within the boundary of any of the territories to which provisions of the act may be extended under section 9, such officer of the said Lt. Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.”\textsuperscript{2}

\textsuperscript{1} Alexander Mackenzie, North Eastern Frontier of Bengal, pp 263-264.
\textsuperscript{2} Act XXII of 1869.
As per section 10 of the Act XXII, 1869, Col. Houghton mentioned the name of Mr. W.O.A Beckett as a proper officer to be employed on the duty as a special officer for laying down the good practical boundary of the Garo Hills. The Lt. Governor of Bengal accordingly appointed Mr. W.O.A. Beckett under notification dated 29th December 1872 for this great task. The boundary was laid down by him during 1873-74 in accordance with the instructions given by the Lt. Governor of Bengal.

As there were also several Garo villages north of the old line fixed by Kelso and Bedford in 1849-54, Beckett did not strictly follow the old boundary line and at places he carried the line further north and excluded from the district of Goalpara a few blocks of lands some of which covered areas six to seven square miles.

Beckett declared and decided that the boundaries between the two districts shall run at the foot of the Garo Hills from the point where the Goalpara district joins that of Mymensingh, at the south west extremity of the Goalpara district, to near a place called Nagorpara on the revenue survey map; then along the existing road which runs through the hills to a point nearly opposite Kalachar, excluding certain pieces of plains land now under cultivation; from this point the line will skirt the foot of the hills as far as opposite to Kakripara, where it takes a bend to the east excluding an inlying valley; then turning westwards, and again skirting the hills which adjoin the plains lands of Pargana Karaibari in the vicinity of Puthimari, Harigaon, Borchi and on to Singpimari; then along the foot of the hills of Kaloomalupara Pargana until it reaches the Mechpara pargana along the foot of the hills of this pargana, until it crosses an interior ridge.

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1 Home Department Public Proceedings, July 1877, Nos. 72-75.
2 Foreign Department File, Judicial A, October 1875, Nos. 7-8.
3 Vide Notification No. 1430 dated 14th September 1876 by the Government of India, Department of Home.
near Ketkeebaree on to Habraghat Pergunnah, via the foot of the hills near Nibaree as far as the Krishnai or Damring Nudee near Jeera; then along the foot of the hills in Habraghat Pergunnah till it joins the Kamrang boundary.  

Mr. Beckett was directed to prepare a map of the boundary which was being surveyed by the officer in charge of the survey party then employed in the Goalpara district and to attach the same with proceeding. To mark off the newly defined boundary by posts and pillars and to send the copy of the proceeding by which the boundary had been defined to the zamindars of Pargana Habraghat, Mechpara, Kaloomalupara and Karaliba informing them that when the boundary has been marked off, they would not be allowed to collect any revenue or interfere in any way within the limits of the boundaries of the Garo Hills but if they have any claims of urge for compensation, that they must prefer them under section 7 of the Act, have been ordered.

During his survey of the Habraghat Pargana, Beckett said.

“As far as Habraghat is concerned, I have followed the present line of possession of the Garos as nearly as possible for the boundary: and I may state, in passing that in that correspondence that took place with Government when the Bijni Rani claimed to hold Nij Bijni on its being taken from the Bhutias in the last war, it was shown that the Pergunnah of Habraghat and Khoontaghat had never been permanently settled: so it is a question whether the Government could not resettle these Pergunnah.”

The Lt. Governor confirmed Beckett’s proceedings on the 2nd February 1874 and directed the line to be at once demarcated with pillars. This was

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6 Proceedings under Section 10 of Act XXII of 1869, Home Department File, Public A, July 1877, Nos. 72-75.
7 Ibid.
8 Home Department Proceedings, Public A, July 1877, Nos. 72-75.
forthwith carried out and detail description of the boundary so marked off was submitted by Mr. Beckett on the 20th March which received the formal sanction of the Lt. Governor on the 21st April 1874. The description of the boundary was subsequently published for general information in the Assam Gazette on the 16th July 1875.9

By the proclamation issued under the orders of the Chief Commissioner on the 16th July 1875, the Zamindars of Karraibari, Mechpara, Kalumalupara, and others have been forbidden to make any collections of cesses on within the Garo Hills as defined by the new boundaries, and they have been given time up to 1st May 1876 to file their claims to compensation for the relinquishment of the cesses. At first the date for the submission of their claims was 1st March, but it was subsequently extended to the 1st May 1876. In the meantime, the boundary between Mahendraganj and Daloo was demarcated and surveyed by Capt. Williamson and Capt. Badgley, Deputy superintendent of Topographical survey. A part of the boundary between the Khasi Hills and the Garo Hills and the Garo country from the Sylhet frontier to the junction of the Rongkai with the Somesvo was also surveyed and marked out. The remaining part of the boundary from the Rangkai to Kamrup was also completed during winter season.

On the 2nd February 1874, the Bengal Government approved of Mr. Beckett's boundary: but declared his order under section 7 of the act XIX of 1869 to be ultra vires. To complicate the matter still further, the Chief Commissioner referred it to the Government of India on the question of the legality that Mr. Beckett had demarcated. He was communicated back

9 Ibid.
in a reply, by the advice of the Legislative Department that the boundary was legal.\textsuperscript{11}

The boundary having been precisely now defined, the Chief Commissioner observed that action under section 7 of the Act has become possible and that the zamindars of neighbouring districts may be prohibited from interfering in Garo affairs, in accordance with the settled policy of the government of India. But as such action would involve claims for compensation under that section, the Chief Commissioner Col. R. H. Keating, proposed that a Commission consisting of the Deputy Commissioners of the Goalpara and the Garo Hills districts might be appointed to investigate and report upon the claims of the zamindars; and that the claims should be calculated on the basis of the actual receipts from property or interest in property situated in the Garo Hills during the three years next preceding the 1\textsuperscript{st} April 1874. The Governor General in Council approved the proposals and also concurred in the suggestions proposed by the Chief Commissioner.\textsuperscript{12} Col. Keatinge observed that the Government has neglected to enforce its rights to elephant as royal beasts and that the zamindars owning property in the neighbourhood of the Garo Hills have in consequence, been in the habit of hunting and capturing elephants in the hills. He thought that some special instructions should be given to the Commissioner whether Government would give compensation for the resumption of a right which has always existed, but which for various reasons, has never been actively asserted. The Chief Commissioner added that in the case of the Shoosung Raja's case compensation was granted for the loss of profits from elephant hunting.

\textsuperscript{11} Home Department Proceedings, Public A, December 1877, Nos. 131-138.
\textsuperscript{12} Letter No. 140 J, dated Simla, the 13\textsuperscript{th} September 1875, Foreign Department File, Judicial A, October 1875, Nos. 7-8.
\textsuperscript{13} Foreign department File, Judicial A, October 1875, Nos. 7-8.
Under the provisions of section 7, Act XXII of 1869, the Governor General appointed the Deputy Commissioners of the Goalpara and the Garo Hills to be the members of the Commission to decide the claims to compensation on account of cesses, tributes and exactions hitherto levied by zamindar and other persons in the Garo Hills District. The Commission is instructed to

i) consider and report what claims to compensation on account of the stoppage of collection of cesses shall be recognised;

ii) consider and report what compensation shall be given in each case so recognised.

In the month of October 1875, H. Luttman Johnson, the Secretary to the Chief Commissioner of Assam directed Captain W.J. Williamson to make enquiries into the claims, cesses etc. levied by the zamindars of Karaibari and other estates. As per his orders Capt. Williamson at once called upon the zamindars to submit their papers showing amount of collections etc. But the zamindars did not submit even a single paper. Capt. Williamson, therefore inferred from this attitude of the zamindars that they had no intention of filling any papers, but intended to bring cases in the civil courts to set aside the orders of the Government. As it was important that the exact area of land under cultivation and the rents paid by the people to zamindar should be ascertained so that a check should be available to test any papers which might be submitted by the zamindars, the Deputy Commissioner Capt. Williamson entertained the following extra establishments.

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15 Foreign Department File, General A, November 1876, Nos. 8-14.
His Honour in Council sanctioned the temporary establishment for the measurement of the disputed lands in the Garo Hills district. The supervisor and the six amins were appointed on the 16th and 17th December respectively and the rest were appointed later.

The Commission consisting of the Deputy Commissioner of the Goalpara District Mr. A.C. Campbell and the Deputy Commissioner of the Garo Hills District Capt. W.J. Williamson carefully inspected the survey maps of Mr. Beckett's demarcation and also the previous map of Goalpara exhibiting the imaginary line disallowed by the Government. They were of the opinion that the line adopted by Mr. Beckett was as nearly as possible identical with the outline: if it could have taken up in the field, the variations are inconsiderable and apparently unavoidable. The boundaries of the Bijni Raj estate of Habraghat had never been definitely settled on its southern side and Mr. Beckett's definition may, therefore, be considered as the only correct one that has been made fit. By this demarcation two small villages from which the Bijni Raja was in the habit of collecting Rupees 56 per annum, have been shown not to belong to the

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16 Letter No. 2399 G, dated Simla, the 4th November 1876, from F. Henvey, Under Secretary to the Government of India, Foreign Department to Col. H.H. Keatinge, Chief Commissioner of Assam. Foreign Department Proceedings, General A, November 1876, Nos. 8-14.

17 Letter No. 46 dated Camp Daloo, the 14th February 1876, from Capt. W.J. Williamson, Deputy Commissioner of the Garo Hills to H. Luttman Johnson, Under Secretary to the Chief Commissioner of Assam. Foreign Department File. General A, November 1876, Nos. 8-14.
estate. The Commission therefore, recommended to award the Bijni Raja, compensation for the loss of his revenue at the rate of Rupees 20 years purchase, less 25% deduction for collections. The proposed award amounted to Rupees 840. The awards of the Commission were however, not accepted by the zamindars who then proceeded to file suits against the Government in the court of the Judge of the Assam Valley districts estimating the compensation due to them at the enormous sums. The matter having been referred to the government of India, the law officers held that the original boundary as defined in the map of 1849-54, could not be ignored and that the action of Lt. Governor in declaring a new boundary was of doubtful validity. Negotiations were accordingly set on foot to arrange terms of compensation with the zamindars and after considerable difficulty were brought to a satisfactory conclusion. So in the year 1878, the zamindars of Ghulla, Mechpara, Bijni and Karaibari entered into an agreement with the Government of India. Shri A.C.Campbell, Officiating Deputy Commissioner of the Goalpara district signed the agreement on behalf of the Government of India and thereby the cases pending in the court of the Judge of the Assam Valley districts were withdrawn. The terms and conditions of the agreement with those four zamindars were not identical for all the zamindari estates. By this agreement, a portion of the estates of Mechpara, Bijni and Karaibari have been included into the Garo Hills boundary on certain stipulated agreements.

The table below shows the areas of the Parganas by the 1849-54 and 1873-75 surveys.

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19 Bengal Government Papers, Revenue Department, File No. 41/49 of 1873-74.
21 Foreign Department Proceedings A, Judicial E, October 1882, No. 43/66.
Areas in square miles.

<table>
<thead>
<tr>
<th>Parganas</th>
<th>1849–54</th>
<th>1873–75</th>
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<tbody>
<tr>
<td>Habraghat</td>
<td>334.12</td>
<td>348.27</td>
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<tr>
<td>Mechpara</td>
<td>550.47</td>
<td>399.21#</td>
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<tr>
<td>Khuntaghat</td>
<td>581.96</td>
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<tr>
<td>Parbatjoar</td>
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<tr>
<td>Ghurla</td>
<td>133.95</td>
<td>133.88</td>
</tr>
<tr>
<td>Taria</td>
<td>19.17</td>
<td>19.11</td>
</tr>
<tr>
<td>Makrapur</td>
<td>29.24</td>
<td>29.01</td>
</tr>
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<td>Gola Alamganj</td>
<td>13.14</td>
<td>11.67</td>
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<td>Noabad Faturi</td>
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<td>Jamira</td>
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<td>245.92</td>
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<tr>
<td>Kalumalupara</td>
<td>133.38</td>
<td>54.98#</td>
</tr>
<tr>
<td>Aurangabad</td>
<td>20.75</td>
<td>14.73</td>
</tr>
<tr>
<td>Karaibari</td>
<td>317.44</td>
<td>57.99#</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,863.34</strong></td>
<td><strong>2,389.18</strong></td>
</tr>
</tbody>
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Difference + 473.86 sq m.

In the above table the items in which there are great discrepancies are marked (#). In each marked case practically the whole of the excess area measured in 1849–54 is due to portions of the Garo Hills having been included in that survey, but afterwards excluded by Beckett during his survey of 1873–74. The other discrepancies are due to differences in the relative accuracy of the two surveys and to discrepant boundaries accepted by Mac Donald.\(^{22}\)

With the passing of the Regulation I of 1879, the newly demarcated boundary between the Garo Hills and Goalpara by Beckett was given legal

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\(^{22}\) F.C. Hirst and A.B. Smart; Brief History of the Surveys of the Goalpara District, pp 29-30.
effect and with the subsequent passing of the Regulation II of 1880, the Chief Commissioner was empowered to cancel the operation of any law in force in this tract and in any other uncivilized frontier districts.\(^{23}\) The Regulation I of 1876 (A Regulation for the Peace and Governance of the Garo Hills District) the operation of which was extended for one year by the Chief Commissioner's notification issued, with the previous sanction of the Governor General in Council having been ceased to be in force on the 31\(^{st}\) day of March 1882, a new Regulation under the name and style of "The Garo Hills Regulation, 1882" was passed in that year and its jurisdiction extends only to the Garo Hills district in the province of Assam. It came into force on the 1\(^{st}\) April 1882. According to this Regulation, any British subject or other person, not being a native of the Garo Hills district was strictly prohibited to acquire any interest in land or the product of land within the limits of the said district without the sanctioned of the chief Commissioner or of such officer as the Chief Commissioner may appoint in this behalf. Any interest so acquired may be dealt with as the Chief Commissioner or the said officer may direct. Besides, the regulation also empowered the Chief commissioner from time to time by notification in the Assam Gazette, to extend the prohibition contained in this section to any class of persons, natives of the said district and may from time to time in like manner, cancel or vary such extension.\(^{24}\)

As already mentioned, the Garo Hills Regulation, 1882 applied to the entire Garo Hills district with the exception of the estates of Mechpara, Bijni and Karaibari, lately transferred to Garo Hills from the Goalpara

\(^{23}\) Proceedings of the Chief Commissioner of Assam, Foreign Department, Shillong, April 1882, pp 1-4; Alexander Mackenzie, North East Frontier of Bengal, p 267; Birendra Chandra Chakravarty, British Relations with the Hill Tribes of Assam Since 1858, p 35.

\(^{24}\) The Garo Hills Regulation 1882, Foreign Department Files, Judicial A, October 1882, No. 43/66.
district in accordance with the instructions of Government of India dated 11th December 1878, which still remain the property of the zamindars. In the year 1899–1900 the zamindars asked that Beckett’s boundary should be properly laid so that they might know the southern boundary of their Khas land. After some discussion this was sanctioned by Mr. Henry Cotton, but most unfortunately the demarcation was entrusted to a subordinate officer of the Survey of India Mr. O’Donel and he appeared to have run his line through without giving notice to anybody in general or to the Garos in particular and to have left the amlas of the Bijni estate to set up their own marks after he has gone away. This action on the part of the survey of India and the Bijni authorities invited open hostilities between them and the Garos who had been constantly confronted on the boundary issues since pre-British days. The relationship between the two was therefore, strained and the policy of constant encroachments as advocated and pursued by the Bijni greatly made the Garos distracted and mentally distasteful towards them.

From the foregoing discussions, it can be inferred that the Garos had enjoyed an independent footings on the banks of the Brahmaputra river for some centuries during ancient and Medieval periods in the course of which their independent existence had begun to be deprived of with the emergence of the strong powerful Koch kingdom and the Zamindars under Moghul rule. They took advantage of the lucrative trade advantage of the abundant hill products which were captured at a throw away prices by setting up weekly markets at the important passes on the foothills. Thus

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25 Letter No. 363, dated Shillong, the 4th March 1882, from C.J. Layall, Officiating Secretary to the Chief Commissioner of Assam to C. Grant, Secretary to the Government of India, Foreign Department A, Judicial E, October 1882, No. 43/66.
26 Letter No. 12974 C, from Chief Secretary to the Government of Eastern Bengal and Assam to the Secretary to the Government of India, Department of Revenue and Agriculture, Shillong, the 26th November 1907.
they fed themselves on the ignorance and the rich hill products especially
cotton and lac of the Garos and thereby strengthened their positions in
their own estates either economically or politically. The Garos on the
other hand, were rendered merely as usurpers who could not resist the
oppressive and exploitative powers of the plains and as a result their
independent occupation and original settlements had constantly been
usurped, encroached upon and lost to the neighboring zamindars. No doubt
the Garos took revenge upon them by adopting guerilla methods of
warfare in opportune moments. Yet they remained in the interior hills for
their safety and security as soon as their missions were accomplished.
They never tried to drive out their enemies of their encroachments nor
did they care to regain their lost territories when it had been occupied by
some one. Even if they tried, they were overpowered by their enemies.
One reason for their inactivity might be due to their unorganized military
power and scattered and isolated dwellings. Another reason might be
attributed to their habit of hill dwelling. They become habituated in jhum
cultivation which was their age old custom and usually practised on the
hills.

Captain Peet's Discovery of Nazarana Lands. In 1879 Capt. Peet, the
Deputy Commissioner of the Garo Hills district went on tour and inquired
into the ownerships of the low lands commonly known as Sali lands
situated within the limits of the Mouzas Chotchalja, Athiabari and
Matchokgiri under Garoan Mahal situated under the Garo Hills. Kholta
zammadar, who accompanied with the Deputy Commissioner, fraudulently
represented himself as the rightful owner of the lands situated under
those mouzas. Capt. Peet made inquiries into the status of the so-called lakhiraj lands and in consideration of the long time which these lands had been held rent free, he proposed to allow the laskers to receive 50% of the revenue collected. He further stated that these lands had hitherto escaped assessment, were chiefly cultivated by the Rabhas. His proposals were sanctioned practically without comment. As per the Government sanction Kholta was made eligible for the half share of the revenue collections from certain Garo villages situated under Athiabari, Chotchoige, and Matchokgiri mouzas of Garo Hills.

In 1880-81 only a rough jamabandi of the nazarana mahal was made without measurement. From the correspondence of 1884, it is clear that the confusion between the nazarana lands and the Bibhagnana grants persisted. In October 1884, the Deputy Commissioner of the Garo Hills wrote to the Secretary to the Chief Commissioner of Assam. "The amount of land belonging to the Habraghat pargana and falling inside the Garo Hills you will find in the map now attached. Much of this land was hypothecated many years ago by the zamindars to Garo headmen or Laskars as payment for preventing raids by guarding the frontier. These lands have since become known as Nazarana. The portions of the tract marked in the map enclosed which are not Nazarana, are the lands pertaining to the Bijni A Mahal and at present remain undemarcated. The Bijni cutcherry is unable to point out the plots."

27 Copy of petition of certain Garos to the Secretary to the Chief Commissioner of Assam dated 10th February 1886.
28 J.C. Arbuthnott's Inquiry Report, p 4.
29 Ibid.
30 Letter No. 727, dated Tura, the 9th August 1887, from Deputy Commissioner of the Garo Hills District to the Secretary to the Chief Commissioner of Assam, Assam Secretariat File No. 103 R. 1887.
31 Letter No. 831, dated the 10th October 1884, from the Deputy Commissioner of the Garo to the Secretary to the Chief Commissioner of Assam; J.C. Arbuthnott's Inquiry Report, p 4.
The Mechpara zamindars were then disputing the correctness of the southern boundary of the adjoining Mechpara A Mahal which had been surveyed by Mr. Shaw, assistant surveyor, in 1879-1880 and an inquiry had been ordered. The demarcation of the Bijni A Mahal was postponed till a more convenient season and the survey took place only in the years 1899-1900.\(^{32}\)

On 4\(^{th}\) February 1886, sardars Malbay, Rijan of mouza Chotcholja, Bakshang and Simkha Sardars of Mouza Athiabari, Khesin sardar and Fakhira Pandit of Matchokgiri mouza under Garo Hills\(^{33}\) filed identical petitions objecting to the decision of the government on Capt Peet’s report of 1879 to pay half the revenue to the laskars on the ground that they as the Nokmas or headmen of the villages concerned were the real owners of the lands.\(^{34}\)

From the 9\(^{th}\) December 1886 to the 4\(^{th}\) January 1887, the Deputy Commissioner of the Garo Hills toured over the northern portions of the Garo Hills and inquired into the nazarana claims made by the Garos.\(^{35}\) In 1886-87, 27 villages were entered in the Garo Hills revenue office records as comprising the Nazarana Mahal. The half revenue of 6 villages had been granted to the Nokmas since 1880-81, when the Nazarana Mahals were first assessed to land revenue. The half revenue of six villages had been wrongly granted to Kholta laskar. Another laskar named Majan of Songma, the laskar of two villages comprising 103 houses, for the fiscal and judicial administration of which he got 10% commission, had

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\(^{32}\) J.C.Arbuthnott’s Inquiry Report, p 4.

\(^{33}\) Copy of petition dated 4\(^{th}\) February 1886 submitted to the Secretary to the Chief Commissioner of Assam by sardars Malbay, Rijan of Chotcholja, Bakshing and Simkha sardars of mouza Athiabari, Khesin sardar and Fakira Pandit of Matchokgiri mouza under Garo Hills.

\(^{34}\) J.C.Arbuthnott’s Inquiry Report, p 4.

\(^{35}\) Tour Diary of the Deputy Commissioner of the Garo Hills from 9\(^{th}\) December 1886 to 4\(^{th}\) January 1887. Assam Secretariat File No. 103 R.
contrived to obtain seven more villages, the half revenue of which in
1885–86 gave him over Rupees 400. In Capt. Peet’s time, payment
orders were passed for one laskar and three Nokmas and one unknown
man to get the half assignment. The Nokmas were wrongly entered as
laskars in the treasury book.

The Deputy Commissioner of the Garo Hills, Mr. Heath after a careful and
elaborate inquiry reported on the matter to the government in a letter No.
727 dated the 9th August 1887. He exposed the error made in confusing
the nazarana lands with the Bibhagnama plots of Scott’s settlement and his
view that the half assignments of revenue had been granted under a
misapprehension of the real facts was accepted by government. The
arrangement made in 1879 was accordingly cancelled. It was decided to
treat the lands of the so called Nazarana mahal like all other plains and
valley lands surrounding or running up into the hills and to assess to full
revenue. The assignment of half revenue made to the laskars in 1879 was
revoked and the claims of the petitioners, who were sardars and Nokmas
were equally with those of the laskars disallowed and set aside.

In 1900–1901 the nazarana lands falling between Beckett’s and Kelso’s
boundary were surveyed and their area has been found to be 37,539
bighas. Out of this, 2,602 bighas were settled. The total settled area of the
nazarana mahals including Bijni A Mahal or the inter frontier zone was
7,400 bighas, yielding a total revenue of Rupees 4,187. Of this Rupees
1,456 was derived from Bijni A mahal. The nazarana lands all lie south of
Beckett’s boundary. According to the 1901 census, the total population of

36 J.C. Arbuthnott’s Inquiry Report, p 4.
37 Letter no. 727 dated Tura, the 9th August 1887, from Deputy Commissioner, Garo Hills to the Secretary
to the Chief Commissioner of Assam, Assam Secretariat File No. 103 R, 1887.
38 Letter No. 3197, from the Secretary to the Chief Commissioner of Assam to the Deputy Commissioner of
the Garo Hills District; J.C. Arbuthnott’s Inquiry Report, p 4.
all the *nazir ana* lands was 5,370. To get a rough idea of the population of the three races—Garo, Rabha and Kachari who inhabit there A.H.Cumming, the Deputy Commissioner of the Garo Hills district took a census of the number of *pattah* holders. According to his report there were 84 Garo, 240 Rabha and 8 Kachari *pattah* holders in Bijni *A Mahal*; in the remaining Mahals 615 Garo, 131 Rabha and 30 Kachari *pattah* holders, total 699 Garo, 371 Rabha and 38 Kachari.\(^{39}\)

As already said, the tribute of the *naziran mahal* was paid to the government. At the time of Beckett’s inquiries no revenue was paid on the *nazirana* lands because their existence was not known to the government. But they paid revenue to the *Nokma* of their village in the case of foreigners occupying them. At the time of Beckett’s inquiry they were certainly not all waste, but the cultivation is so scattered and hidden and the amount of waste so great that it is quite possible he overlooked the cultivation, only about 1/4\(^{th}\) of them were then cultivated and it might have been and probably was less in his time.\(^{40}\)

The fact that the Garos in the *Nazarana Mahals* annually pay *nazir* to the Government led the administrative authorities to draw up a conclusion that the hill Garos or the *Nazaranas* have become house tax paying Garos. They were of the view that the lands were not given to them on special tenure, but that they were allowed to cultivate on a special tenure. That since such tenure of cultivating free of cost or rent was abolished in the hills and they become house tax paying *ryots* there is no reason why the Garos should be allowed to hold the plains portion of the *Mahals* on the old tenure. Mr. Cumming held the view that the *Nokmas* were paid no

\(^{39}\) *Report on the Lakhiraj or Nazarana plains lands by A.H.Cumming, The Deputy Commissioner, Garo Hills, dated camp Dhubri, the 12th February 1903.*

\(^{40}\) *Ibid.*
compensation when their villages were removed to make a reserved forest beyond the cost of building a new house. Moreover, since the taking or receiving a salami or hakimil from outsiders was never legally recognised or enforced in a court, Cumming suggested that the Nokmas have no any right of ownership over the plain nazaranas.41

The agreement reached in 1878 by Mr. Campbell to pay the Bijni the revenue due to her from the lands belonging to them in the Garo Hills by which the Government is entitled to the revenue or rent of the Nazarana plains lands lying south of Kelso’s boundary also served as a ground for Mr. Cumming to extinguish the rights of the Garos over the possession of the Nazarana lands. With regard to the portion of land lying between Kelso’s and Beckett’s boundaries which was admitted to form a part of the permanently settled estate of Habraghat pargana by the agreement of 1878, Campbell said

“Had we not assessed and surveyed these lands in 1880 the possession of these lands by adverse possession of over 12 years would have passed either to the Nokma of the village or the people actually cultivating them. But we dispossessed the Garos rightly or wrongly and have remained in possession for the last 20 years”.

A.H. Cumming therefore, presumed that Bijni is rightly entitled to the rent or revenue from these lands as they have held them in adverse possession against the Garos.12

Problem of 1878 agreement. The payments of Daukhong estate to the Bijni Rani appear to have been very irregular13 and it was admitted that...
payment had been made and no accounts furnished from 1890 to the end of 1877 in contravention of the agreement of 1878. Thereupon Babu Kali Prosanno Dutta, the authorized agent and superintendent of Bijni estate, wrote a letter on the 1st January 1898 to the Deputy Commissioner of the Garo Hills, requesting him to order for an account of collections made in the Garo Hills to be sent to him or to the Rani's representative and also to make necessary arrangements to commence a survey of the tract as was settled between him and the late Mr. Kennedy when he was the Deputy Commissioner of the Garo Hills.

On January 17th 1898 the Garo Hills Deputy Commissioner informed Prasanno Dutta to send the Bijni Rani's agent or representative to meet him at Damra on the 2nd February 1899. But the meeting could not be held at the place mentioned and it was later held at Agia. Prasanno Dutta explained the rights and claims of Bijni estate in the lands in dispute and requested him to arrange a survey party at the expense of the Bijni estate with a view to ascertain the exact quantity of the lands contained therein, the sources of income thereof and also to have the old boundary as shown in the maps of 1853-54 demarcated for the purpose of avoiding all possible and future disputes with the Government.

In February 1898 Capt. Howell, the then Deputy Commissioner of the Garo Hills ordered the payment of arrears of revenue from 1890-91 up to the date. The total amount of collections on account of hoe tax from the

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43 Copy of letter No. 130 R, dated Tura, the 15th July 1899.
44 J. C. Arbuthnot’s Inquiry Report, p. 3.
45 Letter No. 10 S, dated Goalpara, the 18th July 1898, from Kali Prosanno Dutta, Superintendent of Bijni Estate to the Deputy Commissioner, Garo Hills.
46 Letter No. 259 dated Tura, the 17th January 1899, from Capt. H. M. Halliday, Deputy Commissioner of the Garo Hills to the Superintendent of Bijni Estate, Goalpara.
47 Ibid.
48 Letter No. 59 R, dated Tura, the 17th May 1899, from Capt. H. M. Halliday, Deputy Commissioner of the Garo Hills to the Manager of the Bijni Estate.
49 Letter No. 130 R, dated Tura, the 15th July 1899.
lands from 1890-91 to 1896-97 was amounted to Rupees 118, of which Rupees 88-8 was the zamindar’s share. This share of the Bijni Rani was paid over to her on the 26th February 1898. On the same day, the Deputy Commissioner informed Babu Kali Prosanno Dutta that no land revenue or house tax had been released in the Bijni estate in the Garo Hills and that the question of boundary was finally decided in 1884. He therefore declined to reopen the boundary question. Again in his letter dated the 17th May 1899, the Deputy Commissioner informed the Bijni estate’s agent that he had fully considered the claim of the Bijni estate and come to the conclusion that Bijni zamindar had no standing whatever in respect to the lands in question. Capt. Halliday, the Deputy Commissioner of the Garo Hills said....

“The lands were made over to the Garos by a former Bijni zamindar and after the agreement of 1878, the revenues accruing therefore were made over to those Garos with the sanction of the zamindar. It was from these Garos that the revenue was subsequently taken over by Government, half in 1885 and the balance in 1886. Consequently if there is any grievance or claim to be preferred, the Garos only are the proper persons to do so”

The Deputy Commissioner therefore rejected the claim made by the Bijni zamindars and decided not to sanction any resurvey of the boundary.

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50 Assam Secretariat Proceedings, Extracted copy of resolution from the proceedings of the Commissioner of Assam, Revenue A, September A, 1899, Nos.37-54.
51 Ibid
52 Letter No. 59 R, dated Tura the 17th May 1889, from Capt. H.M.Halliday, Deputy Commissioner, Garo Hills to the Manager, Bijni Estate.
On the 17th June 1899 Rani Abhoyeswri Debi of Bijni submitted an appeal petition against the decision of the Deputy Commissioner, Garo Hills to His Honour, The Chief Commissioner of Assam. The Bijni Rani refused the Deputy Commissioner’s statement and construed that Raja Indra Narayan Bhoop at the suggestion of Mr. David Scott in the year 1238 B.S corresponding to the English year 1831 created certain service tenures in pargana Habraghat by which he divided the lands of these tenures among the Garo Laskers who executed a Muchulika and an ikrarnama not to molest or disturb the peace of the tenants of pargana Habraghat in any way and also undertook to protect them against the oppressions and inroads of the hill Garos. Rani also stated that the entire land referred to was amounted to 170½ hals which equals to about 2,000 bighas of land, if a hal be calculated at 12 bigha which is known as Kuchcha hal, and equal to about 3, 000 bighas of land if a hal be calculated at 17 bighas and 8 kathas which is known as pucca hal. Rani further strongly refuted that she had never sanctioned to make over to the Garos any revenue accruing from the lands in question, nor was she aware that any zamindar of Bijni ever sanctioned it. Therefore, she did not admit that any such sanction was ever given by any proprietor of the Bijni Estate or any one authorized by him or her.53

Rani further asked that she might be allowed to make a survey of the boundary which formed part of her permanently settled estate of pargana Habraghat, now under Garo Hills as a result of the new boundary demarcation made by Beckett in 1873–74. It is also prayed that a credit to her account of 75% collections of all descriptions made by the government i.e collections on account of rent, timber dues and other forest produce,

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53 Assam Secretariat Proceedings, Revenue A, September, 1899, Nos. 37-54.
on account of sayers, on account of permits to capture wild elephants, to hunt wild elephants and also of profits from the capture of wild elephants and from other miscellaneous sources etc. as stipulated in the agreement of the 10th June 1878 might be conceded to her. Along with it, it is also asked to direct the Deputy Commissioner, Garo Hills district to furnish regularly with collection papers and accounts of such collections as were intended by the agreement and to pay the amount of profits that might be found due to her for the past years.\textsuperscript{54} It is finally admitted by the government that the contents of the agreement of 1878 have not been strictly observed by the Deputy Commissioner of the Garo Hills, neither payments made nor accounts furnished from 1890 till the end of 1897. It is also found that no explanation of this omission has been offered by the Deputy Commissioner till date. The Chief Commissioner of Assam Mr. P. H. Monahan therefore, considered the request of the Rani of Bijni a reasonable one and he accordingly directed the Deputy Commissioner of the Garo Hills to submit proposals for carrying out by government agency at the Rani’s own expense during the next cold season a survey of the lands which were the subject of the agreement entered into between the government and the Raja of Bijni on 10th June 1878.\textsuperscript{55}

\textsuperscript{54} File petition submitted to His Excellency, the Chief Commissioner of Assam by Rani Abhayeswar Deo of Bijni, dated 17th June 1899.

\textsuperscript{55} Extracted copy of the resolution from the proceedings of the Chief Commissioner of Assam, General Department, Nos. 3611-13J, dated Shillong, the 2nd September 1899. Assam Secretariat Revenue Proceedings, Revenue A, September 1899, Nos. 37-54.