APPENDIX

Minute on the disputes existing between the Garos and the Bijni Zamindars.

For convenience of record, and in case we should be called upon for a report on the Garo agitation, I have thought it desirable to prepare a connected account of the circumstances that are connected with this matter. Secretary will find at the end a question for his consideration.

2. The existence of this agitation was first brought to my notice by the receipt (in September 1902) of a memorial addressed to the Government of India by certain Garos, in which they petitioned against an order of the Deputy Commissioner, Goalpara refusing to register a title of lands unspecified, but described as revenue free. The memorial had been prepared in Calcutta by a High Court vakil. No appeal had been previously addressed to me in the matter. As no copy was submitted of the order petitioned against a copy was called for. In reply, the memorialists stated that they had, since submitting their representations, been informed by counsel that an appeal in the case would be useless. They enquired whether the Chief Commissioner was of opinion that they should apply for redress to the local authorities. They were informed that if they applied to the Chief Commissioner their case would receive proper consideration. No further communication was, however, received from them.
3. In December 1902, when at Gauhati, I received a visit from Mr. Jacob, Barrister-at-law, who informed me that he represented the Garos in this case. I asked him to explain where the lands in dispute were situated and what was the nature of the claim that was set up to them. He professed his inability to give me this information, as his instructions were not complete. He then went on to represent certain hardships which were suffered by the Garos arising from Forest Administration, and the levy of impressed labour. I informed him that these were matters on which I could not hear him and that I proposed shortly to visit Tura, and that I should go into these questions on the spot.

4. Mr. Jacob, it may be mentioned, is the barrister who took up the defence of the Mundas of Chota Nagpur who rose against the Government in 1899, and he apparently makes a speciality of cases in which aboriginal people are concerned. After leaving me he went up to Shillong and stayed several days there, receiving from the Garos a retaining fee of, I was told Rs 1,000 a day. Later on in the same month, when I was at the Delhi Darbar, I received an alarming telegram from the Sub-Divisional Officer of Goalpara, to the effect that the Garos had invaded his sub-division in force and had proclaimed a 'Garo Raj'. Military Police were ordered to the spot, but before their arrival the gathering had been dispersed and the ring leaders arrested by the civil police. The importance of the affair had been grossly exaggerated by the sub-divisional officer (a Bengali officer) who completely lost head. It was proved that about 700 Garos marched from the hills across Pargana Habraghat to the Dolgoma ghat on the Brahmaputra, where they constructed an encampment of grass huts. They posted some notices ordering tenants not to pay rent to the zamindar. They used no violence and were unarmed.
But their behaviour was of course illegal, and might have easily led to serious consequences, and I ordered the prosecution of the ring leaders.

5. In the following month I marched through a portion of the Garo Hills district. At Tura I was met by many hundreds of Garos and receiving their representations in a formal darbar, made enquiries as to their grievances. No mention was made on this occasion of any claims to land, and their complaints were generally of a petty character. But it was clear that the impressment of labour as practised in the past had caused considerable hardship, and I passed orders strictly limiting the employment of forced labour in future. The difficulties were due in the main to the arrangement under which the care of the roads and bridle paths was in the hands of the P.W.D. Such an arrangement when work has to be effected by tribal labour, is of course fruitful of abuse. I ordered that in future the P.W.D officers were to exact no labour except through the Deputy Commissioner and I have since found it desirable to exclude the P.W.D altogether, and to hand over charge of the hill roads to the district authorities. Under this arrangement, the difficulties inseparable from a system of impressment will be reduced to a minimum, as the villagers will be made responsible for maintaining certain lengths of road, and within certain limits, will be allowed to take their own time for working on them. The use of impressed labour can not be dispersed with in our hill districts if communication are to be kept open. It must not be supposed that the labour is unpaid. A fair wage is offered. But wage earning has very little attractions for a Garo.

6. On entering the Goalpara district from the Garo Hills in the further course of my march, I found the accused in the riot case under trial in the court of Deputy Magistrate at Dhubri. An array of legal talent, including two Calcutta
Barristers, was defending them, and the cost of the defence must have been provided by very heavy subscriptions from the Garos. Ultimately, six men were convicted under section 143, IPC and were sentenced to three to one year and three to two months' rigorous imprisonment. The sentences were upheld on appeal.

7. It became evident in the course of the enquiry that the ringleader of the agitation was a Garo named Sonaram Sangma, who acted as Mr. Jacob's tout and had been collected from the Garos. It was a serious feature that subscriptions were received from all parts of the hills. Sonaram is a man of some intelligence, knowing Calcutta well. He was at one time in the service of Government as a Public Works Department Mohurrer. He belongs to Christian community which has grown up during the last 30 years under the American Mission to the Garos: but his connection with Christianity is but slight, and the Missionaries inform me that he has for some time past been excommunicated for evil living. It is clear however, that he possesses extraordinary influence over the Garos. He was one of those who were convicted in the riot case. But it seemed desirable also to call upon him to show cause under section 110 Cr. P.C. Large security was asked and she could not furnish it, he was committed to jail.

8. In the course of the investigation it came to light that so long ago as 1831, certain revenue free lands in pargana Habraghat had been allotted to some of the Garo headmen by Mr. David Scott in the course of settling the disputes between the Garos and the zamindar of Bijni, which for generations past had disturbed the peace of the country. Statements made by the Garos led me to infer that their grievances related to certain of these lands, from which they had been illegally, dispossessed; and it was to these lands that the petition
mentioned in para I of this note apparently referred. I commissioned the Deputy Commissioners of Goalpara and the Garo Hills to make a joint enquiry into the facts connected with these Bibhagnama or 'partitioned' lands, as they are termed. They identified the plots and found that the Garos had no legitimate grounds from complaint in respect to them. The Bijni zamindar had in 1877 endeavored to oust the grantees by civil suit. But the suit failed. Of the original 21 plots, 18 were in possession of the successors in interest of the original grantees. Three had apparently been abandoned and were lying waste. Claims had recently been revived to them. But such claims could only be enforced by civil suit. It may be added that the total area of the 21 plots granted under David Scott's proceedings was 170½ hals, equivalent to nearly 970 acres.

9. It appeared likely that a further source of dispute lay in the history of some lands known by the name 'Nazarana' lands. They form an irregular belt lying within the Garo Hills border on the frontier of Habraghat, and are divided longitudinally into two portions by the old boundary of the Garo Hills, the boundary that was superceded (being advanced northwards) by that, legalised by Regulation I of 1878. This latter boundary line has a curious history. Up till 1873 the boundary of the Garo Hills was taken to coincide with that of the Goalpara district as laid down in 1854 by Mr. Kelso of the Revenue Survey. Act XXII of 1869 authorised the Government to define the boundary of the territory known as the 'Garo Hills'. Should question arise as to its alignment. In 1873 Mr. Backett was appointed to lay down 'the best and most practical general boundary'. He took a line which in some places lay to the north of Mr. Kelso's, that is to say, he included in the Garo Hills some territory which according to the Revenue Survey of 1854, lay in Pargana Habraghat. Mr. Kelso had run his line close to the foot of the main
block of hills, following the indentations of the valleys running up into them. Mr. Beckett's line took a straighter course and cut off many of these indentations. For the rest, it is not apparent that this line was much more suitable of the two. It did not pretend to shut off the Garos from the Hindus. There are Garo villages scattered over the Habraghat Pargana and there are some of much importance, which it was plainly desirable to include in the Garo Hills, but which his line left just outside the new Garo Hills boundary. The legality of the new boundary was challenged in the civil court by several of the Goalpara zamindars who lost area by it. As the Government felt unable to dispute the legality of their contention, negotiations were undertaken in order to gain the consent of the zamindars to the new boundary line by the offer of compensation in money and in other ways. The results were reported to the Government of India in our letters No. 2063 dated 9th November 1878, and No. 2320 dated the 14th December 1878. In the case of the Bijni zamindar we admitted that the Nazarana lands to the north of Kelso's line formed a 'portion of the permanently settled estate of pargana Habraghat'. We further made the zamindar a cash payment. The zamindar agreed to allow the Government to collect the rents and profits of the land, paying him 75% of those proceeds. After the arrangement of this compromise and of similar compromises with the other zamindars, Mr. Beckett's line was finally legalized by Regulation I of 1878, and the Garo Hills district was formally constituted as a separate district.

10. In the following (1879) the officer who had been appointed to the charge of the new district (Capt. Peet) brought to notice the fact that these Nazarana lands included some good rice cultivation, which though generally cultivated not by the Garos but by the Rabhas, paid no revenue. In his report he erroneously confused them with the Bibhagnama lands referred to in para
7 above. He proposed to assess them to land revenue and to leave the Garo headman 50% of the collections. This proposal was sanctioned. 9 years later, on the petition of certain Garos, further enquiries were ordered. It was reported that the 50% allowance had systematically been misappropriated or had been paid by the Deputy Commissioner's office to persons who had no title to it. It was shown that the Nazarana land had no connection whatever with the *Bibhagnama* lands. It was urged that no claims of the Garos had ever been recognized to rice lands lying in the plains. The lands were not cultivated by the Garos but by Rabhas, who paid the Garos no regular rent for them. It was recommended that the Government should retain the whole of the land revenue, and this recommendation was accepted (Our letter No. 3197 dated the 14th September 1887)

11. It was however, overlooked that part of the revenue paid for these Nazarana lands was under the agreement of 1879 payable to the Bijni *zamindar*. In 1901 the *zamindar* brought this fact to the notice and claimed over 2 lakhs of rupees as *mesne* profits. This claim was finally settled, with the sanction of the Government of India by the payment of Rs 24,967, and the disforestation of some small areas that had been included in the Government reserved forest.

12. Thee claims of the Garos to these Nazarana lands were reported upon by the Deputy Commissioners, Goalpara and the Garo Hills when submitting the results of their joint investigation into the circumstances under which the *Bibhagnama* plots were held. An examination of the history of the case led me to entertain grave doubts of the justice of the action that had been taken. In our dealings with the Garos we have throughout failed to realize that they recognise the private ownership of land in a very marked form, the lands of
each village being considered to be the property of the Chief man (Nokma) of the village, though his rights are probably fettered by liabilities towards the village community. It no doubt appeared unreasonable to assume that any definite rights of private property should exist over areas which consist in the main of jungle covered hill sides, cultivated on a long rotation in the jhuming fashion. Yet the existence of such rights, appropriated not only in the village but to the family, is an undisputed feature of tribal economy in the Naga Hills and Khasi Hills. Mr. Cumming, in his report of the 12th February 1903 regards the Garos’ right in land from the standpoint of his predecessors. But special enquiries made within the last year have given good reason for the view that all but the wildest portions of the Garo Hills country is appropriated to particular villages and is regarded by the Nokmas of these villages as their property. This is the situation as found by the enquiries of the two officers who have last held the office of Deputy Commissioner Mr. Colquhoun and Capt. Playfair. In demi official correspondence I have received confirmation of their conclusions from Mr. Arbuthnott and Major Howell, both of whom have served in the districts for long periods, and are well acquainted with the language, the people and the country. Our summary reservation of forest areas has of course very rudely with these ideas; and it is more than possible that it is responsible for much that it is unsatisfactory in the attitude of the Garos. It is admitted that in respect to the rights of the Nokmas there is no difference between the Nazarana lands and the hill sides above them. So long as the Nazarana revenue was taken by the state the Nokmas accepted the position without great demure. But they viewed no doubt with much stronger feelings the handing over of revenue to their hereditary enemy, the Bijni zamindar.

13. Our admission of 1878 in favour of the Bijni zamindar could not be taken to affect the interest of the third parties and although it might be urged in
law that the claims of the Nokmas had been extinguished by limitation I was anxious, if possible to find a mode of conciliating their feelings and asked the Bijni zamindari to agree to relinquish 25% of the collections of the Nazarana mahal as the malikana of the Nokmas within whose traditional village limits it was included. To this she consented. The Nokmas at first refused to accept the compromise. But in November 1903 they agreed to it in my presence after some persuasion. They subsequently begged for Sonaram Sangma's release and in hoping that the agitation would die out, I reduced the security to be furnished by him, so that he was set free from jail in April 1904. He seems to have immediately taken up the threads of the agitation; and it became known that he was living with a Calcutta vakil (presumably Mr. Jacob's attorney) and was again collecting large sums of money from the Garos. The Nokmas repudiated their agreement. Sonaram was still on security under section 110, and I directed that he should be summoned to explain his conduct. He refused to obey the summons and a warrant issued. For sometime it could not be executed as his whereabouts could not be discovered. At the beginning of this month the Deputy Commissioner learnt that he had returned to some Garo villages on the Habraghat border and he was arrested as he was leaving for Calcutta. A few days after his arrest I reached, in the course of my tour, the villages which have been the center of the agitation and I examined him myself. He admitted that the real object in view was the recovery of the whole of the Habraghat Pargana. It seemed dangerous to leave at large a man who had so great an influence with this excitable people, and he has again been committed to jail in default of finding, under section 110 Cr. P.C, very large security. He has also been sentenced to six month's imprisonment for his failure to obey the summons. It may be mentioned here that the Missionaries are strongly of opinion that within the last few years the attitude of the Garos has changed markedly for
the worse, and that Sonaram’s presence in the district exercises a most disturbing effect. Steps are being taken to reestablish in the vicinity of the Dhepahat (near Damra) a military police outpost which was withdrawn a few years ago.

14. It may be inferred from the information that I have collected that the Garos did hold the Habraghat Pargana sometime ago. Habra, I am told, is the name of a Garo Raja, whose seal is said to be in existence. Near Krishnai—a few miles within the Habraghat border, there is a colony of Musalmans who hold land from the Bijni zamindar on very favourable terms (they are known as Sukk bashis) under a sanad dating from about 130 years ago, enlisting them as a sort of militia for the expulsion of the Garos. But the Bijni zamindar was in possession of the pargana at the commencement of the British rule and the pretensions of the Garos to the Pargana as a whole have nothing but ancient history to support them. I am inclined to believe however, that under British rule they have suffered a loss of some territory. It may reasonably supposed that the Bibhagnama lands which were granted them at the instance of Mr. David Scott lay on the margin of the zamindar’s territory. But the boundary of the Garo Hills district has been aligned considerably to the south of these lands, and I am not sure that the Bijni zamindar had any right to the intervening strip of the country. Should, however, an injustice have been committed, it is impossible to rectify it now.

15. As has already been remarked, Garo village occur here and there throughout the Habraghat pargana (there is one indeed close to Goalpara) and it would be impossible to find a boundary line which would definitely separate the Garos from the other races inhabiting the pargana. But there are a number of large and important villages lying just across the existing
boundary, the omission of which by Mr. Beckett is unaccountable. He may have left them in one side because they paid rent to the Bijni zamindar. But this consideration did not prevent him from including in the Garo Hills district. Mechpara villages in the same category which now form the Mechpara B Mahal. A rough list of these villages (prepared by the S.D.O of Goalpara) is below (not printed). The principal ones are Salpara and Nisangram or (Christianpara) an are the head centers of the agitation. Sonaram is a resident of the former and has lately been harboured by the latter. It is a curious fact that a large proportion of the population of these villages is nominally Christians and manage their affairs on a purely democratic system, such as would naturally be favoured by the American Missionaries, deciding plebiscite even such questions as the fitness of converts to be admitted to the congregation. It seems desirable that some at all events of these villages should be included in the Garo Hills. At present, they can play off one district authority against the other. They are most intimately connected with the Garo Hills villages south of the border and their schools are supervised by the Garo Hills authorities. The language spoken by the people and taught in school is Garo.

16. Will secretary please consider what steps should be taken to bring these villages within the Garo Hills border? They would constitute a B Mahal, such as does not now exist for Bijni and there would be no interference with the zamindars collection of rent so long as it was legal. Their transfer would mean their withdrawal from the jurisdiction of the High Court. Should we have to obtain the High Court concurrence? What has become the Act XXII of 1869 and of Regulation I of 1878? I do not find either of them mentioned in our list of repealed Acts. There is a reference to Regulation I of 1876, which I do not understand. Surely it was after the compromise of 1878 that we
validated, the new boundary, and it seems that a draft Regulation submitted by us in 1878 was passed into law.

17. We should of course have to settle by local enquiry which should be the villages selected for transfer.

26th February 1905. J. B. Fuller.