APPENDIX - V

Memorial from Sonaram R. Sangma and 33 others praying that the Bibhagnama and Nazarana lands within the Goalpara and Garo Hills districts may be set free from the dependence of the Bijni Zamindar.

No. 144.

To His Excellency the Viceroy and Governor General of India.

The humble memorial of Sonaram R. Sangma of Rowmori and 33 others.

Respectfully Sheweth—

1. That your Excellency's memorialists are the poor cultivators and natives of Lower Assam, within the Jurisdiction of the District of Goalpara and Garo Hills.

2. That the dispute which has been of some importance of late years and which gives an occasion as a matter of necessity for the present Memorial before your Excellency, is regarding the possession by collections of rent of certain Mahal called the Nazarana Mahal, and of certain other tract called Habrahat, which lies within the Garo Hills District of Lower Assam.

3. That inasmuch as the matter has twofold aspects as stated above, your Excellency's humble memorialists would venture to submit each by itself, though arising out of the same cause, namely, the dispossession by the Bijni Zamindar.
4. That, before laying before your Excellency the particulars of the grievances, it will be more lucid and effective if the general features of the early period in regard to the disputed parts are shortly dealt with.

5. That, since Moghul period, and even after British acquisition of Assam, the Garos were led only by Sirdars, or leaders picked up from amongst themselves, who were tributary only to the ruling power, and were charged with the defence of the passes against the invading tribes of the interior. That the said Sirdars were afterwards transformed into Jaghirdars, i.e., enjoying lands as lakhiraj lands; and owing to occasional raids it was found necessary to depute Mr. D. Scott, who upon careful enquiry, determined that the adjacent Zamindars by exaction from and oppression upon the Garos, had been the source of the evil, that the pretensions on the part of the said Zamindars that they had a sort of right to exact rent from the Garos were entirely baseless, that they had no sort of proprietary right to exercise any interference with the Garos, that none of the tributary Garo villages appeared in the Collectorate Registers of the said Zamindars, and ever since Mr. Scott's proposal all the tributary Garos were proposed to be separated from the Zamindars' control—"Vide Mackenzie's History of Hill Tribes", pp. 245-248.
6. That it will appear from the Government Resolution, dated the 25th July 1822, that the British Government had from the beginning looked with favour upon the Garo tribes, and intended by its uniform integrity to free them from the oppressive influence of the neighbouring Zamindars. The following extracts from the said Resolution would be enough to satisfy your Excellency:

"His Lordship in Council sees reason to doubt whether the rules of Regulation VIII, 1793, would be properly applied to the Garo villages. The Commissioner is to take care that the collection of Sayer duties had been actually stopped. His Lordship in Council trusts that Mr. Scott will be able effectively to accomplish it. The same principle is of course applicable to the Zamindar of Bijni. The collection of such duties from Khuntaghat, Habraqhat must, therefore, be immediately discontinued."

"His Lordship in Council is aware that the adjustment of the relative rights of the Garos and the neighbouring Zamindars will be attended with considerable difficulties. In almost all such cases the defectiveness of the public records relative to land have much to be sought from other quarters, which records alone can properly furnish."

7. That, to carry out such wholesome policy of the Government, the Regulation X of 1822 was formulated with the following extract in the preamble—
"The Zamindars have, there is reason to believe, usually been the aggressors by encroaching upon the independent territory of the Garos until, despairing of other resources, the latter are driven to seize occasions of private revenge and retaliation. These encroachments having been of long standing, were at the time of permanent settlement in these zamindaries, in receipt of income derived from cessess of various kind levied from the tribes, and hence a portion of the tract of country occupied by them has been considered to be within and as forming part of their zamindaries".

The condition of the Garo mountaineers has, for some time past, attracted much of the attention of the Governor-General in Council. Measures should be taken for freeing them from any dependence on the Zamindars of the British Provinces, and some salutary policy, it needed not be stated, was continued by the succeeding Act, XXII of 1869.

8. That, from the above, and from Gait's Land Revenue Manual for Assam and from Hunter's Statistical Accounts for Garo Hills, it could be reasonably inferred that the Garo Hills or the tract inhabited by Garos was treated by the Government as independent of the neighbouring Zamindars, and it was never meant to have been permanently settled or to come any way within the general Regulations in force in other parts of Bengal.
9. That, your Excellency's memorialists submit that they should never be misunderstood as, by their act and conduct and this memorial, any way feeling dissatisfaction with the British rule,—on the contrary it will contribute to all redress asked for if the Government would be graciously pleased to your Excellency's memorialists to bring their tracts directly within the benign and peaceful supremacy of the British power by taking the said tracts away from the oppressive hands of the Bijni Zamindars, which, as described above, had been the uniform policy of the British regime in its dealing with the Garos from very early times.

10. That, to pass on now to the particular features of case, the Nazarana Mahals are laid first before your Excellency for dealing with the just cause of your memorialists.

11. That, the very expression "Nazarana" indicates that the tract was held, and might still be said to be held, free of all control upon payments of Nazar or certain rent reserved or tribute to the Government. Be that as it may, the Nazarana Mahals had been before and after the enquiry by Mr. D. Scott and the survey of Mr. Kelso, in possession of the descendants of your Excellency's memorialists by virtue of receipt of rents up till now. The Exhibits herewith submitted show that in respect of the
years 1846 and 1855, namely, that Duar Jira was in possession of Rongran and Thosok Naskar in 1855 and Surki Sirdar Arsing Naskar and Mengang Naskar in possession of the same in 1846, and under the column of the description of the Mahal, the Nazarana Khas Mahal of the Garos has been specifically and unmistakably described as such.

12. That, the Nazarana Mahals are Khas Mahals of the Garos will also be borne out by the very boundary demarcated by Mr. Kelso, and certain proceedings, issued from the Collector of Goalpara, dated so far back as 1849, a Robokary from the Deputy Collector of Goalpara, dated 10th July 1858, and another, dated 29th January 1859, will be ample amongst other documents to show that the disputed Nazarana Mahals were not within Zamindari of Bijni, but had been all along treated as exclusively belonging to the Garos, who owe allegiance only to the British rule.

The above documents from the Goalpara Collectorate are herewith submitted for your Excellency's satisfaction as Exhibits (B2), (C) and (I).

13. That, the confusion was created in respect of boundaries, which is the real point of grievances in this case, by the demarcation of Mr. Beckett, and that the said boundary was not correct, will appear from the very decision of the Agency Adalat of Goalpara passed
on the 16th January 1865, in what is called Gilgap's case. Nothing is more explicit than the very expressions used in the said decision, which, to quote the words, are as follows:

"Rangbaek, i.e., the plaintiffs' lands of Nazarana, was shown in the map of the Amin with red colour and the boundaries of Bhagabati were shown in yellow colour; but the place, in respect of which there was no dispute and the places where the Amin did not imagine the existence of wormeaten, have been shown by the Amin as otherwise. I cannot say how Mr. Beckett could not see it. It is as plain to me as broad daylight, whether rightly or wrongly, that Mr. Beckett has brought in confusion, where confusion already exists. On a comparison of his Robokari with the map it will appear that he has given the plaintiff not only the disputed land by placing two stones on the boundaries, without any enquiry whatever, but he has also given him that land about which there was no dispute at all."

14. That, your Memorialists' predecessors had been recognized by the British Government as holding possession of the villages which are part of the Nazarana Mahals will appear from the following Parwanas (Exhibits Act E) of early days issued from the Collectorate Office at Goalpara, whereby Gong Sing, Dhan Sing and Gandib were amongst others treated as Sirdars of the villages in their possession, and in all matters of difficulties, even the
demarcation of Nazarana Khas Mahal from Habraghat, they were called upon to be present at the enquiries. The Parwana, dated the 23rd March 1849, also shows that Khas Nazarana Mahal was not only after Kelso's boundary, but before that date, reckoned separate from the Zaminder's portion, in pargana Habraghat.

15. That, the position of Zamindari Bijni began to get some footing from the said wrongly conceived and inaccurate demarcation of Mr. Beckett which was some how or other confirmed by the letter from His Honour the Chief Commissioner's Office, dated Shillong, the 14th September 1887, and the worst of all by the agreement between the British Government on one side and Bijni Raj on the other, dated 10th June 1878.

16. That, the real source of grievance took, unfortunately for your Excellency's memorialists, a formidable shape from the above letter issued from His Honour the Chief Commissioner's Office will be very clear to your Excellency. In fact, your Excellency will be pleased to see that the said letter is in conformity with the said agreement, which it is respectfully submitted will appear to be absurd and improper. Shortly speaking, the said agreement is just like a decision between two persons of a third person's property. At any rate, no
law of any civilised country nor common sense can dictate such agreement to be at all binding upon the Garo tribes who were in no way parties to the same. If this agreement be thrown away, the said order, dated 14th September 1887, would be now quite open to consider by your Excellency.

17. That, ever since considerable number of documents having been discovered and secured in so many ways in proof of the case of your Excellency's memorialists, your Excellency's memorialists deem it a duty to lay the matter properly, fully and lucidly in order that your Excellency may have an opportunity of stretching your Excellency's ever helping hand and giving your Excellency's memorialists protection under the British Rule.

or possession by way of a grant over these Garo villages. Your Excellency may call for the same for your Excellency's satisfaction.

19. That, there is another fact going in favour of the case of your Excellency's memorialists and against the Bijni Zamindars, which is that if the Bijni had proprietary right over the land, there was no occasion for their purchase at auction of the reserved forest.

20. That, the matter at issue is still continuing, and therefore requires your Excellency's kind and protective measures, will appear from the order of Mr. Jackson, dated 5th December 1902—"It is necessary before final order is passed that I should see the place personally, as I am very much inclined to doubt whether it is within the district at all", and from the last agreement from the hands of His Honour the Chief Commissioner, dated 2nd November 1903, which is to all intents and purposes based upon the previous inoperative agreement of the Bijni Raj, dated 1st June 1878.

It is therefore respectfully submitted that Your Excellency will be graciously pleased to free the villages described above as lying within Habraghat and other tracts known as Khas Nazarana Mahals, away from any dependence
on the Zamindari of Bijni, upon any reasonable and salutary
terms as your Excellency would deem judicial and proper
or pass such other favourable order as your Excellency
pleases.

And your Excellency's memorialists, as in duty
bound, shall ever pray.

SONARAM R. JANGMA and others,

Copy forwarded to the Hon'ble the Chief Commis-
sioner of Assam.

S.N. GHOSAL,
13th December 1904.

Vakil of High Court,
Calcutta.