

INTER-STATE disputes relating to boundaries are certainly not unique to north-east India. But two specific features of the region have invested them with complexity and virulence and have to that extent precluded their satisfactory resolution.

First, barring Manipur and Tripura, all the States of the region were once part of Assam. Assam's boundaries with Tripura and Manipur having been historically settled, there are no disputes over them involving the three. Nor do Tripura and Manipur have claims on each other's territory because they are separated by Mizoram and the Barak valley districts of Assam. But every other border in the region is either "live" or has the potential of coming alive on the slightest provocation — real or imaginary.

The four States (Nagaland, Meghalaya, Mizoram and Arunachal Pradesh) which were once part of Assam have claims on it and on the territories of one another as well. Nagaland and Arunachal Pradesh have differences over the Tirap boundary where Naga-related tribes live; Mizoram claims large chunks in Tripura and Manipur inhabited by people of the Kuki-Chin stock; and Manipur and Nagaland have a dispute in the Jessami area in the north-east corner of Manipur.

'HISTORICAL EVIDENCE'

Secondly, all these claims are pressed by citing prolific "historical evidence" — not a difficult task since during over a century of British rule the area was administered, semi-administered and unadministered under a variety of arrangements and rearrangements under a series of notifications to suit the needs of colonial rule. Thus areas now part of Nagaon and Karbi Anglong districts of Assam were once in the Naga Hills areas.

The situation in the remotest borders, officially acknowledged as "lightly administered," was even more hazy: the very concept of these "tracts" becoming constituent States of a Union of India was then inconceivable. The bitter disputes over boundaries had often led to actual skirmishes over grazing rights or over water or forests even during colonial times.

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Assam has a common boundary with all the other six States of the region (apart from its 270-km border, in two separated segments, with Bangladesh and a slightly less long border — another potential trouble spot — with Bhutan). Aside from its settled boundaries with Tripura and Manipur and the borders with the foreign countries,

'Live' borders of the North-East

The north-eastern region of the country bristles with inter-State border disputes and territorial claims which have often led to bloody skirmishes.

M.S. PRABHAKARA takes a look at the genesis of the virulent rows, their complexities and the conflicting claims that appear irreconcilable.

Assam shares 434 km of boundary with Nagaland, 704 km with Arunachal Pradesh, 723 km with Meghalaya and 128 km with Mizoram.

Nagaland's claims on Manipur have occasionally led to unpleasant incidents: In February 1985 the Nagaland Government "arrested" some officials of the Manipur Forest Department on charges of "trespassing" into Nagaland while on a border survey.

The problem in this case is that substantial areas of Manipur East and Manipur North districts, which share a common boundary with Nagaland and are inhabited by Naga tribes. Also, Naga insurgency is active in Manipur East (formerly Ukhrul district) and no Government in Nagaland can afford to appear

indifferent to the deeply cherished desire of the Naga people for the eventual integration of Naga-inhabited areas with Nagaland. Indeed, one of the 16-point proposals of the Naga People's Convention of July 1960, which eventually led to the creation of Nagaland as a separate State and marked an important stage in the peaceful resolution of the insurgency, specifically mentioned that "other Naga-inhabited contiguous areas should be enabled to join the new State."

A similar commitment is shared by all the political parties in Mizoram as well for the eventual integration of contiguous Mizo-inhabited areas with Mizoram — a desire also acknowledged in the Memorandum of Settlement



The Congress(I) Chief Minister of Arunachal Pradesh, Gegong Apang..... offended.



The AGP Home Minister of Assam, Bhriku Kumar Phukan..... controversial formulations.

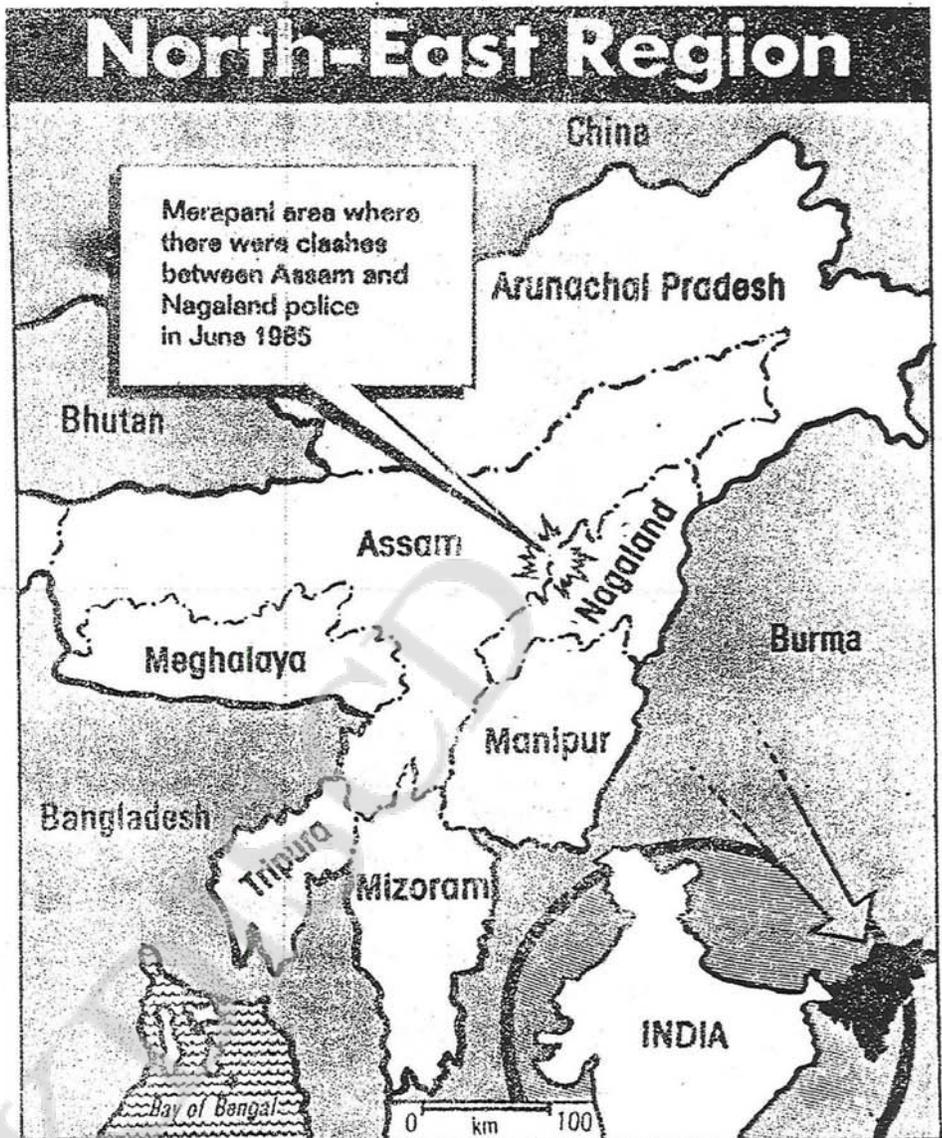
on Mizoram — though in both cases there are Naga and Mizo-inhabited areas outside India. Many official Nagaland publications indicate the State's boundary with Assam, Manipur and Arunachal Pradesh with stylised straight lines and leave open the international border to the east.

But these are matters of long-term historical aspirations and commitments. The more immediate contentious issue is that of claims, encroachments and in some cases even established settlements on Assam's boundaries with its former constituents. The pressure on land in each of these mountainous territories is pushing the people in the border areas towards the plains though this natural urge is sought to be rationalised and justified by recourse to "historical" claims.

Till well after Independence, because of the absence of pressure on land and of more profitable ways of cultivation, there were no systematic encroachments on the plains, though occasional and purely temporary inroads were there dating back to the pre-British period.

Since then, the developments in agriculture and other areas have opened up new possibilities. The hillmen, who were content with clearing a patch of ground after slashing and burning and cultivating it for a season or two before moving on to other areas, are now increasingly drawn to the advantages and profits of settled cultivation. As land is scarce in the hills, the fertile plains nearby offer irresistible temptation for encroachment. "Historically" these areas were not heavily settled and the hillmen had access to them. It is not, therefore, difficult for the Governments to establish or at least make apparently credible and historically valid claims. But for the extreme pressure on land in the plains of Assam, these claims and counterclaims might not have attained the virulence they have.

The bloodiest of the disputes has been over the 11 reserve forests that dot the Assam-Nagaland border. These are (with their areas in square kilometres and the year of notification as reserve forests within brackets): Abhoipur (67.38; 1881), Diphu (170.42; 1887), Rengma (139.92; 1887), Doyang (246.54; 1888), Desoi CB (1892), Demer Valley (176.12; 1892), Kakodungpa (24.82; 1910), Geleki (59.29; 1918), Tiru Hills (58.63; 1918), Nambor (272.08; 1921) and Dilli (30.29; 1924). The fierce encounters between the armed police of Assam and Nagaland in the Merapani area in June 1985 were only one of the many episodes in the continuing conflict over these forests which Nagaland claims were part of



Naga territory but were fraudulently transferred to the plains districts.

A complicating factor is the settlements in some of these reserve forests of plainsmen, especially plains tribesmen. The latter, pushed out of the lands theoretically reserved for them (the so-called "tribal belts and blocks" have for long been full of non-tribal settlements), have tended to gravitate towards the reserve forests. The trend is especially noticeable on the Nagaland-Assam border and on the north-eastern extremities of the Assam-Arunachal Pradesh border.

After being quiet (always depicted for more than a year, the Assam-Nagaland boundary has again become alive after the recent moves by the Nagaland Government to establish what Assam views as fresh illegal settlements within Assam in the Rengma reserve forest area, including the so-called "New Land Sub-Division". The Assam Government's strong protests have been ignored by Nagaland. The sit-

uation has not yet deteriorated into armed confrontation. After the Merapani experience when its armed police were severely bloodied, Assam is unlikely to remove forcibly the encroachments—assuming that they indeed are—especially in view of the present Government's more pressing domestic preoccupations and the apparently endless confabulations with the Centre.

Hardly a week has passed in the last few months without charges being traded between the Governments of Assam and Arunachal Pradesh over their disputed boundary. The two Chief Ministers are scheduled to meet in Guwahati in July.

Though they are slated to discuss "matters of mutual interest," the boundary dispute is to be the chief topic. Unlike the Nagaland-Assam boundary, where pitched battles between the armed policemen of the two States have taken place, the "incidents" on the Assam-Arunachal Pradesh bound-

ary have till now been stray cases of individual violence which in some cases are merely contemporary variants of the relations that existed between the hillmen and the plainsmen when the former extracted tribute from the plainsmen for protection from other raiders.

DESTABILISATION FEARS

A complicating factor in the dispute is the perception in Arunachal Pradesh that the ruling Asom Gana Parishad (AGP) in Assam is trying to "destabilise" the not very popular Congress (I) Government there.

Two events in April taken together appear to give credence to such fears. On April 11, Assam's Home Minister and AGP general secretary Bhriku Kumar Phukan, accompanied by another Cabinet Minister (and another general secretary of the AGP), visited Itanagar and addressed a rally organised by the People's Party of Arunachal Pradesh (PPA), the main Opposition party there, during which he is alleged to have made some formulations which offended the Arunachal Pradesh Government. The Arunachal Pradesh Chief Minister claimed that setting aside all protocol and ignoring his Government's formal offer of hospitality (and security), Phukan attacked it though reports of the speech suggest that Phukan spoke only in general terms about the desirability of having regional party governments in all the constituent units of the North-East—which after all is the AGP's perspective for the region.

Days before Phukan's visit, the Assam Government had issued a circular banning the movement of Arunachal Pradesh forest produce through the reserve forests in the Lakhimpur division in Assam. The reason was that Assam suspected, possibly with good reason, that much of its own forest wealth was being illegally plundered and taken out.

The ban was seen as yet another instance of Assam's "big brotherly" attitude and a telling demonstration of Arunachal Pradesh's total dependence on it for so basic a requirement as access to and out of the State. Indeed, communication even between districts in Arunachal Pradesh is for the most part through Assam though new roads are being built to facilitate direct communication. This perceived offence by Assam has given a fresh impetus to the demand for a direct link from Itanagar to Siliguri via Bhutan, bypassing Assam. It was in the wake of this development that Phukan chose to visit Itanagar.

The 104 km Assam-Arunachal Pradesh boundary stretches from Bhairabkund at the two States' trijunction with Bhutan on the west to their trijunction

with Nagaland on the west bank of the Dhansiri river on the east. The dispute centres on three aspects: One, Arunachal Pradesh's claim that the "transferred areas," once part of what is considered historically its territory but now included in Assam, must be restored to it; two, differences over which of the many notifications issued should be the basis for the demarcation of the boundary; three, procedural and technical disagreements over the demarcation on the ground and the plotting of the (agreed) demarcated boundary on maps.

The survey and demarcation apparently went on smoothly in the initial stages (according to Assam officials) and 396 km have been demarcated. But 308 km still remain. According to Assam Government sources, Arunachal Pradesh has not ratified the decisions taken during earlier discussions with its representatives. The official memoranda and notes exchanged on the subject, one accusing the other of every kind of skulduggery, make painful reading.

NOTIFICATION QUESTIONED

The differences over the transferred areas relate mainly to the Morkong-selek-Jonai area (now part of Assam) which were part of the Abor Hill tracts. Other areas once considered "unadministered" were the Sadia and the Balipara frontier tracts (substantial areas of which are now in Assam) though the claims in respect of these are not seriously pressed. The transfers took place after the notification of 1951 freshly demarcating the boundaries of the (then) North-East Frontier Agency (NEFA). Arunachal Pradesh questions this very notification on the ground that representatives of NEFA were at no stage consulted or were involved in the decisions. (The Governor of Assam, assisted by an adviser, administered the territory on behalf of the President in those days).

FUNDAMENTAL DISAGREEMENT

Related to the demand for the restoration of the transferred areas is the one that the basis for demarcation of the inter-State boundary should be the 1914 and not the 1951 notification. Assam naturally wants to stick to the 1951 notification. If the demarcation were to follow the earlier notification, about 1,033 sq km of territory now in Assam would fall on the other side of the boundary. It is this fundamental disagreement that has hindered the demarcation of the remaining 308 km.

The situation has been complicated by the internal developments in both

the States. In Congress (I)-ruled Arunachal Pradesh, the chief Opposition party, the PPA, has close relations with the AGP and sees itself as part of the hoped for grand regional political formation. The antagonism between Tomo Riba, briefly Chief Minister when Arunachal Pradesh was a Union Territory and who now heads the PPA, and Chief Minister Gegong Apang is so intense that even on development issues they tend to take obstinately contrary stands. For instance, Apang has opposed the Dehang and the Subansiri projects, but Tomo Riba has come out in support of them. So too has Assam.

CONFLICTING PERCEPTIONS

The 128-km Assam-Mizoram boundary is the shortest in the region. The border is quiet now though residents on the Assam side have been complaining of encroachments from the other side. The problem is, as in other sectors, compounded by conflicting perceptions of where the boundary should lie and on what notification it should be based. The Lushai Hills (present Mizoram) came into India in 1898 and the boundary between the North Lushai Hills and Cachar as acknowledged at the time of annexation can only be described as notional. Though there were the usual formal notifications of the boundary, it has never been demarcated on the ground. The area was truly "unadministered" till well after Independence—which was one of the reasons that led to the outbreak of insurgency in early 1966.

The 24-year insurgency made proper survey and demarcation impossible though during this period organised efforts, with some encouragement from the Mizoram administration (according to the Assam Government) resulted in further encroachments. Forest officials in Assam allege that about 11 sq km of forest land has already been encroached upon and charge that Mizoram officials are issuing periodic pattas to such settlers on what is demonstrably not Mizoram territory.

Not much could be done about it during the years of political unrest but now that there is a popular Government in Mizoram things might be different.

The Assam Government is in no position to remove these settlements. A rather novel solution that may be tried is to lease out the encroached areas temporarily to the Mizoram Government, which any way claims these are its territory. But even if Assam takes this conciliatory path, it is not certain that nibblings will not continue. For even more than in Nagaland and Arunachal Pradesh, the need for plains land is acute

in Mizoram.

The boundary between Assam and Meghalaya also appears to be living up. The Chandrachud Commission, whose terms of reference are limited to providing a constitutional interpretation of the boundary, is unlikely to tackle the more basic problems behind the dispute which too is marked by its own specifics—in this case the anomalies in the classification of people inhabiting both sides of the boundary. People, who on one side are classified as Scheduled Tribes, are on the other side "unscheduled." In western Assam this anomaly has led the Garos, who for generations have lived in Assam, to support the demand for the inclusion of these areas in Meghalaya.

Another feature, though not unique, is that in some cases, because of the Assam Government's eviction policy, the areas thus "cleared" become ripe for encroachment and settlement by people from across the border who, over a period of time, prosecute the claims of their State.

MEGHALAYA CLAIMS

Meghalaya's claims on Assam's territory, apart from the marginal ones pressed by both sides all along the 723-km boundary, lie principally in the Hamren sub-division of Karbi Anglong district. Meghalaya wants Blocks 1 and 2 of the sub-division, originally part of Jaintia Hills district, transferred back to it. The "Assam Land Revenue Manual" (Government Press, Shillong, 1970) traces the formation of Karbi Anglong district (then part of the Mikir Hills and North Cachar Hills district) and gives an idea of the way the various districts of Assam were constituted and reconstituted:

"The Mikir Hills Tract in the district of Nowgong was originally constituted by notification under the Assam Frontier Regulation in 1884. In 1893 part of this area was transferred to Sibsagar, while part of the Naga Hills district was transferred partly to Nowgong and partly to Sibsagar. The amended boundaries of the Nowgong and Sibsagar Mikir Hills Tracts were notified in 1907. A slight modification was made in 1913-14 when the area around Dimapur was retransferred to the Naga Hills. The Mikir Hills therefore as then constituted fell within the districts of Nowgong and Sibsagar. Under the Constitution of India, the Mikir Hills has been declared as an Autonomous District. A Commission was formed under paragraph 2 (3) of the Sixth Schedule to the Constitution to redistribute the boundaries of the Mikir Hills Autonomous District. On the recommendation of the Commission, the boundary of the Mikir Hills Autonomous District has

been defined and notified in the Government notification No. TAD/R/31/50/113 dated 13 April 1951 comprising therein some portions of the Nowgong district, some of the Sibsagar district and two blocks of Jowai sub-division of the United Khasi-Jaintia district predominantly inhabited by the Mikirs...."

DECISIONS OF BYGONE AGE

Most of these choppings and joinings were dictated by the requirements of a colonial administration which had an undifferentiated view of the people over which it ruled even while sharply aware of the complexities of the ethnic mosaic. But these administrative decisions of a bygone age (when, leaving aside statehood to the Nagas and the Mizos, even nationhood to the people of India as a whole was inconceivable to the administrators) have now become the basis for contrary and irreconcilable, but "historically valid," claims.

Meghalaya (formerly United Khasi Hills and Jaintia Hills district and Garo Hills district of Assam) maintains that the transfer even in 1951 was unfair and that the present population pattern indicated a non-Karbi (the former Mikirs are now known as the Karbis) majority in the two blocks in the Hamren subdivision. (There was no census in Assam in 1981 and the population of these two blocks is now believed to be fairly evenly balanced between the Karbis and the Pnars of Jaintia Hills.)

DISTRICT COUNCIL OPPOSITION

This dispute is unlikely to be resolved to Meghalaya's satisfaction even if Assam were ready to concede its demands. The Karbi Anglong District Council—whose leaders have their own quarrels with the leaders of Khasi and Jaintia Hills and the Garo Hills and who after great deliberation opted to stay out of the hills State of Meghalaya in 1972—would certainly oppose any move to give away any part of Karbi Anglong district to Meghalaya. Moreover, given the current agitation in the two hill districts of Assam (Karbi Anglong and North Cachar Hills) for their constitution as an autonomous State within Assam under Article 244-A—the same provision that enabled the short-lived experiment of an autonomous State of Meghalaya—no bilateral understanding on the issue appears possible.

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The conclusion from a dispassionate view of the boundary disputes in the North-East is that they appear built into the very structure, geography and administrative and political history of the

constituting units. This is especially so in the case of States which were once part of Assam. That all the States were till recently under Congress/Congress (I) Governments has not influenced the virulence of the disputes; that some of them like Assam and Mizoram are now under regional parties sharing a common anti-Congress (I) orientation is unlikely to bring an amicable solution any nearer.

Indeed, during the Merapani clashes the Naga Students' Federation (which had its own quarrels with the Congress-I Government in Nagaland) took such a strong exception to the attitude of the All-Assam Students' Union (then embroiled in a bitter struggle against the "illegal" Hiteswar Saikia Government, also of the Congress-I) that the NSF suspended the "friendship treaty" it had with the AASU.

POLITICAL DIMENSION

True the present bitterness over the Assam-Arunachal Pradesh boundary reflects the tensions between a Congress (I) Government and a regional party Government which moreover is supporting the principal Opposition party in Arunachal Pradesh. But howsoever close and fraternal the relations between the AASU and the AAPSU (All-Arunachal Pradesh Students' Union), or between the AGP and the PPA, may become, it is unlikely to affect the fundamentally conflicting perceptions on the boundary between the two States.

For one thing it is problematic whether the fundamental factors which have contributed to the tensions can at all be tackled—insatiable thirst for land, old antagonisms that had their roots in unfamiliarity but have hardened into hatred on familiarisation, real and false "historical" memories, the very high stakes in the exploitation of forest resources. Secondly the minimum political firmness the Centre should have shown in dealing with these problems is absent. For example, it has the power to make the acceptance of an award given by an impartial tribunal mandatory, but has never initiated legislation to that effect.

For the people inhabiting the forests and foothills on inter-State boundaries in the North-East, the stakes are real: the possession of a patch of land may make all the difference between subsistence and starvation. Add to this the other factors and above all a weak economic base which, in the absence of forward-looking economic activity, makes them easier and more tempting issues to "politicise" the people—and one has a readymade recipe for perpetual tensions on the boundaries. □