

Border Disputes in North East India: A Study of Assam-Mizoram Border

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This article traces the border disputes between Assam and her neighbouring states in North East India, and observes that it is purely a legacy of colonial rule in the region. Tribal territories in North East India were demarcated in the province of Assam one after another and foot hills were declared as reserved forests which are now the border dispute zone. Nagaland, Meghalaya, Mizoram and Arunachal Pradesh began to face border dispute with Assam after their separation from Assam. The present border dispute between Assam and Mizoram is in the 509 square miles reserved forest area which Mizoram claims it as its area since pre-colonial era but Assam also made similar claims to it. Mizoram advocates solution of the problem on the basis of the notification of 1875 but Assam advocates for solution of the problem as per notification of 1933. There is no clear-cut mention of inter-state boundary to be claimed as constitutional boundary. Hence, amicable solution of the border dispute may possibly be achieved only through political dialogue between the two states.

Keywords: Border disputes, Assam, Mizoram, Reserved Forest, Colonial legacy

Introduction

Border is defined as “the line that divides two countries or areas” (Philips, 2010). Traditional concept of border has been mainly related to topography and has been regarded to be particular domain of geography and law. The concept of border also has political, historical, ethical, psychological and artistic connotations. Border has been established as a field of study in geography and social sciences, and it is emerging as inter-disciplinary field which encompasses geography, politics, sociology, cultural studies, literature, history, economics, anthropology, etc. There are different classification of borders, such as international border, national or state border, district border and village border. Two other synonymous words for the term border are ‘boundary’ and ‘frontier’, and they are interchangeably used. Most of the battle fields in the past and wars at present are fought on border issue. Even at present, there are

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border dispute between China and India, China and Japan, China and South East Asian countries, India and Pakistan, India and Nepal, Azerbaijan and Armenia, etc. Over and above that, there are also many inter-state border disputes, namely, Karnataka and Maharashtra, Karnataka and Kerala, Orissa and Andhra Pradesh, Orissa and Jharkhand, Orissa and Chhattisgarh, Orissa and West Bengal, Punjab and Haryana. Like the border dispute among the states in mainland India, there are border disputes among the states in North East India.

British colonial administration began colonizing the tribal territories of North East India after the signing of the Treaty of Yandaboo on 24 February 1826, and the tribal territories were demarcated in the province of Assam one after another. As a result of demarcation of tribal territories in the province of Assam, the foot hills were declared as Reserved Forest which are now the main border dispute zone between Assam and the neighboring states. The colonial administration did not demarcate boundary properly, which also caused boundary disputes even during colonial rule and which continue in post-independence era. Therefore, Nagaland, Meghalaya, Mizoram and Arunachal Pradesh began to face border dispute with Assam after their separation from Assam. Mizoram and Assam now has border dispute in 509 square miles reserved forest area which Mizoram claims it as its traditional land since pre-colonial era but Assam also claims it. Mizoram advocates solution of the problem on the basis of Inner Line Notification of 1875 but Assam advocates for solution of the problem as per Inner Line Notification of 1933. There have been many rounds of talks and negotiations between Assam and Mizoram but amicable solution cannot be arrived at till now. The solution to the border dispute may be possible only through political dialogue. The paper attempts to trace the genesis of boundary dispute in North East India since pre-colonial era and it also generally analyses the border dispute which continues after independence between Assam and the states of Nagaland, Meghalaya, Mizoram and Arunachal Pradesh. It also specifically analyses the boundary dispute between Assam and Mizoram since colonial era up till the current situation and it also analyses the talks, negotiations and other processes which have been undertaken by the two state governments of Assam and Mizoram as well as by non-governmental bodies. The paper utilizes historical, interview, analytical and other primary approaches as the methodology with objective observation and evaluative assessment. However, secondary sources are also utilized for collection of facts and information.

Inter-state border dispute in North East India as colonial legacy

The British East India Company came so close to tribal territories of North East India with the obtainment of Diwani (Revenue) of Bengal, Bihar and Orissa by Robert Clive from the Mughal Emperor, Shah Alam, in 1765. Robert Clive recognized Shah Alam as Mughal Emperor and Shuja-ud-daula as Ruler of Oudh but revenue was controlled by the company (Spear, 1999: 85-86). The acquirement of Diwani of Bengal enabled the company to reach the borders of Sikkim, Bhutan, Cooch Behar, Assam, Arakan as well as Garo and Khasi tribes. Garo tribe was the first among the tribes of Bengal and Assam whom the British authority came into contact and the British

authority came to know the uniqueness and peculiarity of tribal people of Bengal and Assam after their contact with the Garos. David Scot, who was Magistrate at Rangpur, played significant role in the annexation of Garo Hills and Khasi Hills (Chaube, 1999: 7-13). Prior to the coming of British colonialism, tribal territories in North East India were neither part of Assam nor India. Tribal territories were independent in their own way, ruled by traditional chiefs by following customary laws and conventional practices in pre-colonial era.

The British East India Company got the opportunity to interfere in the internal administration of Assam due to decline of Ahom Kingdom as a result of Maomari rebellion. The Maomari rebellion which started in 1769 became so intensified, as such, Gaurinath, Ahom Ruler, sought the help of Lumsden, the Collector of Rangpur and Captain Welsh was sent to punish the gang of marauders. The Burmese were defeated in the first Anglo-Burmese War of 1824-1826 and they withdrew from Brahmaputra valley and Manipur. Colonel Richards commanded the British forces and David Scot also played significant role in victory of the British forces over the Burmese. The British forces moved as far as Prome, the capital of Lower Burma and signed treaty with the King of Ava (Lower Burma) on 24th February, 1826 known as the treaty of Yandaboo, 1826. By this treaty, the British authority acquired the control of the entire Brahmaputra valley and it was attached to Bengal as Chief Commissioner Province. David Scot was appointed as the first Commissioner of the province. Upper Assam was annexed by the British authority after Purandhar Singh, Ahom prince was given pension. (Gait, 2017: 196-197, 206, 334 – 335 & 340).

The province of Assam was created by the British for its own administrative convenience and tribal territories were demarcated in the province of Assam one after another. Garo Hills was the first to be annexed by the British in 1822 and the rest of the hill territories were annexed after the signing of the Treaty of Yandaboo. Goalpara was added to Assam in 1826 as a separate district. Cachar was annexed in 1832, Khasi Hills was annexed in 1835, North Cachar Hills in 1854, Naga Hills in 1866, Jantia Hills in 1883, North East Frontier Tracts was occupied since 1842 and annexation was completed in 1914 and Lushai Hills was occupied since 1890 and it was annexed to the British Empire on 6 September 1895 (Rao & Hazarika, 1991: 10 -11). The British Authority came to know that tribals in hill territories had peculiar custom, culture, social behavior and traditional administration of chieftainship which were totally different from people of the plains. The British administrators felt that laws, regulations and rules which were enforced in the plains may not be applicable in the hill territories, as such, some legislations were enforced specifically for preservation and protection of the custom, culture, tradition and land of the tribal people (Hansaria, 1983: 1-7)

The colonial administrator cleverly attempted to demarcate tribal territories in the province of Assam but there was no proper demarcation of boundary on the basis of historical facts and historical records when the hill territories were annexed into the province of Assam. Tea gardens expanded in the foothills which were claimed as the domain of tribals' chiefs in pre-colonial era and many of the foothills were also declared as reserved forests under the first forest act of India known as Indian Forest

Act, 1865 was passed by the British Colonial Government, and many local rules were also promulgated in different provinces from this Act. The management of forests in Assam started since 1860 but a well-defined forest policy was promulgated only in 1894. The Assam Forest Regulation, 1891, states that the local government might constitute any land at the disposal of the government as a reserve land through publication of notification in the official gazette. As a result, forests in Assam province were classified as reserved forests and open forests (Handique, 2004: 45, 50, 61-63). With the creation of new states from the tribal territories after independence, reserved forest area now happened to be the bone of contention in the boundary dispute between Assam and its neighboring states, namely, Arunachal Pradesh, Meghalaya, Mizoram and Nagaland.

Bengal Eastern Frontier Regulation, 1873

The Bengal Eastern Frontier Regulation, 1873 was made under the Government of India Act of 1870. As making laws and regulations for certain parts of India for specific purposes was provided in the first paragraph, section 1 of the Government of India Act, 1870, the Lieutenant Governor of Bengal had proposed a draft Inner-Line Regulation for peace and governance in the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Garo Hills, Khasi and Jantia Hills, Naga Hills, Cachar and Chittagong Hill Tracts. As the Governor General-in-Council resolved it for implementation in its meeting on 19 September, 1872, Section 1 of Government of India Act of 1870 had been extended in the above mentioned hill districts except Chittagong Hill Tracts with effect from 12 December 1872 and Inner Line Regulation was promulgated in the above mentioned districts including Chittagong Hill Tracts with effect from 27 August 1873. The British authority was so concerned about the appearance of plain businessman and speculators in the hills who wanted to extract jute, other forest products and mineral resources in the hill territories. On the other hand, tribal people of the hills conducted raids and surprise attack in the plains whenever they got the opportunity which caused law and order problem in British territory in the plains. The British authority felt that necessary steps were required to be taken up to preserve and protect the land, ethnic identity, custom, culture and tradition of the tribal people from encroachment and assimilation of the plain people as well as to protect the plain people from surprise attacks and raids of the hill people. Thus, the solution to the problem lies in not letting people of the plains and hills meet often. Under the regulation, imaginary boundary was drawn beyond which, any plain people or British subjects were not allowed to enter hill territory without valid permission of the concerned British authority and anyone entering tribal territory without valid permit could be fined Rs. 100 to Rs. 500 and imprisonment for three months depending on the seriousness of the crimes. The Inner Line Regulation was repealed from Chittagong Hill Tracts by the Amending Act of 1903 and was introduced in Cachar District by notification no. 2299p and issued by C.U. Atchison, Secretary to the Government of India on 20-8-1875 and it was described in Annexure XI. Lushai Hills after its annexation to British Empire was governed by Chin Hills Regulation, 1896 and Inner Line Regulation was enforced in Lushai Hills vide Notification No.

9102 A.P. dt 28 August 1930 and was notified by W.A. Cosgrave, Offg. Chief Secretary to the Government of Assam and was published in Assam Gazette on 3 September 1930. Another notification was issued again vide Notification No. 2106 A.P. dated 9 March, 1933 by W.A. Cosgrave, Chief Secretary to the Government of Assam and published in Assam Gazette on 15 March 1933 (Chakraborty, 1995: 7-13). It was also mentioned in the Gazette of India, July–September, 1875 that under the provision of Section 2 of the Bengal Eastern Frontier Regulation of 1873, a regulation for the peace and governance of the Eastern Frontier of Bengal was notified by the Governor General-in-Council for extension of inner line in the southern frontier of the district of Cachar (Gazette of India, July-September, 1875, Foreign Department Notification, No. 2299P, the 20 August, 1875, Writers Building, Kolkata, 23 March, 2023).

For Cachar and Lushai Hills, Inner Line started from Chatter Choorra peak through Jhalnacherra. From Jhalnacherra it moves in northern direction towards Baroncheera and it moves towards northeastern corner to the top of Rengti pahar. The range was then bifurcated into two smaller paths, one leading to the Cleve House and another to Bara Jalinga Grant. Then, it moved towards Doarbund and Monierkhel and ended at Mynadhur on Barak River. Notification of 1875 was said to be promulgated on the basis of accord signed between Mizo Chief Suakpuilala and Captain Lister in 1850. As such, the Government of Mizoram, political parties and civil societies in Mizoram accept the Notification of 1875 as the inner line boundary for solving the boundary dispute. Whereas the Government of Assam pressurized for accepting the notification of 1933 as the negotiating point. However, the Government of Mizoram and civil societies in Mizoram do not accept the notification of 1930 and 1933 which they claimed were issued without consulting the Mizo chiefs.

Status of Hill Areas in post-independent era and border issue

The hill territories which were demarcated in the province of Assam by colonial ruler remained as districts of Assam even after independence, namely, Lushai Hills, Khasi-Jantia Hills, Garo Hills, North Cachar Hills, Mikir Hills, Naga Hills and North East Frontier Tracts. Many of the hill districts were incorporated under the provision of the Sixth Schedule to the Constitution of India and they were categorized into two as Part A and Part B. Part A signified 6 hills districts which were a bit developed where Autonomous District Councils (ADCs) could be established, such as Lushai Hills, Khasi-Jantia Hills, Garo Hills, North Cachar Hills, Mikir Hills and Naga Hills. Whereas, Part B signified backward hill districts where ADCs could not be established, namely, North East Frontier Tracts and Naga Tribal Area or Tuensang Division. ADCs could be established in rest of the hill districts in Part A except in Naga Hills but ADC could not be established in Naga Hills due to the boycott of ADC election by the Naga National Council (NNC) because NNC spearheaded armed movement for independence of Naga Hills from India (Hansaria, 1983: A-255-A-256). The Nagas could not accept disintegration of Naga territories into two under Part A and Part B of the Sixth Schedule to the Constitution of India. The moderate Nagas convened the first Naga People's Convention (NPC) at Kohima on 22 August to 26 August 1957 which was attended by 1735 representatives from Naga Hills and Tuensang Division. There were also about 2600 observers from other Naga dominated areas. The first

NPC resolved and demanded for reamalgamation of Naga Hills and Tuensang Area into a single administrative unit which was fulfilled by amendment of the Sixth Schedule by the Indian Parliament and creation of Naga Hills Tuensang Area (NHTA) in 1957. The second NPC at Ungma Village in Mokokchung District from 21-23 May 1958 and the third NPC at Mokokchung from 22-26 October, 1959 resolved and pressurized for declaration of the state of Nagaland. Consequently, NHTA was upgraded to the state of Nagaland and it was inaugurated by Dr S. Radhakrishnan, President of India at Kohima on 1 December 1963 (Singh, 1981: 60-64, 67-69 & 90).

Assam and Nagaland border dispute began along with the creation of the state of Nagaland in 1963. The Government of Assam insists on demarcating the inter-state boundary on the basis of 1925 notification which was flatly rejected by Government of Nagaland. The Government of Nagaland states that Nagaland boundary shall be demarcated on the basis of 1866 notification which comprised of the Naga territory at that time. Assam claims that more than 15,000 hectares of its territory has been annexed by Nagaland but Nagaland claims Naga dominated areas of North Cachar Hills as Naga territory. Assam and Nagaland had border clash at Kakodonga Reserve Forest in 1965 and there were also violent clashes between the two states in 1968 and 1979 (Das, 2020: 2-3). The most violent clash being gun battle between armed police forces of the two states from 5-7 March 1985 at Merapani in Wokha District of Nagaland where more than 50 armed constables from Assam Police and 6 armed constables from Nagaland Police lost their lives. After that, status quo has been maintained but border dispute remains without proper solution. Even now tension crops up periodically between Assam and Nagaland on border issue (Lalchhuanmawia, 2020: 2-3).

The North Eastern Areas (Reorganisation) Act, 1971 was enacted by the Parliament to provide for the establishment of the states of Manipur and Tripura and to provide for the formation of the state of Meghalaya and of the Union Territories of Mizoram and Arunachal Pradesh. It was a significant Act which caused immense changes and amendments in the Constitution of India and it also reshapes the geographical and political structure of North Eastern Region of India. The terminology 'North East India' began to be used officially with the enactment of this act after the creation of three new states and two Union Territories in the region. The reason being, Assam and Nagaland were the only two states in the region before the enactment of the Act. The Act is divided into 9 parts and Part II of the Act mentions that on and from the appointed day, a new state shall be formed, to be known as the state of Meghalaya which comprised the territory of the Autonomous State of Meghalaya before that date.

The autonomous state of Meghalaya was created as a result of the intensified hill state demand of the All Party Hill Leaders Conference (APHLC) in the 1960s and Eastern India Tribal Union (EITU) in the 1950s. The bill for creation of Autonomous State of Meghalaya which comprised of Khasi Hills, Jantia Hills and Garo Hills was passed by the Lok Sabha and Rajya Sabha on 24 December, 1969 and Autonomous State of Meghalaya was officially created on 2 April 1970. The APHLC continued to pressurize the Prime Minister for declaration of Meghalaya as a full-fledged statehood

and Part II of the North Eastern Areas Reorganisation Act, 1971 included a provision for creation of the state of Meghalaya. Accordingly, Prime Minister Indira Gandhi inaugurated the state of Meghalaya on 21 January 1972 (Rao, et. al. 1984: 40, 64 & 70). Meghalaya and Assam border dispute began with the creation of the state of Meghalaya as the Act incorporated Block I and Block II to Mikir Hills (present Karbi Anglong district). But the Government of Meghalaya claims that Block I and Block II formed parts of United Khasi-Jantia Hills when it was demarcated in the province of Assam and created as a district in 1835 (Das, 2020: 2). Border clash also often erupts between Assam and Meghalaya from time to time and it remains unsolved. Border tension also broke up again in 2020 and even now there is ongoing problem.

The North Eastern Areas Reorganisation Act, 1971 in Part II provided for formation of the Union Territories of Mizoram and Arunachal Pradesh. The Constitution Fifty-Third Amendment Act, 1986 provides for conferment of statehood to Mizoram and also inserts Article 371-G for Mizoram. Likewise, the Constitution Fifty-Fifth Amendment Act, 1986 provides for conferment of statehood to Arunachal Pradesh and inserts Article 371-H for Arunachal Pradesh (Pandey, 2006: 266-267, 270-271). Arunachal Pradesh and Mizoram began to face border problem with Assam with the upgradation of their status to Union Territory. Arunachal Pradesh often complained about Assamese encroachment in the territory of Arunachal Pradesh and first border clash between Assam and Arunachal Pradesh took place in 1992. After that, border clash took place between the two states from time to time. In the so-called eviction drive by Assam Government in 2005, 100 houses were burnt down in East Kameng District of Arunachal Pradesh. Tension also erupted again in 2007 when villagers from across the border fired at a peace meeting in Assam which injured 8 people (Das, 2020: 3). Border flare up also broke out again in October 2020 between Assam and Arunachal Pradesh and some lives were also lost.

As Assam has border dispute with all the neighbouring states - namely, Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, in reply to a query by Keshav Mahanta, Assam Gana Parishad (AGP) MLA during question hour, Siddique Ahmed, Minister of State (Independent Charge) for Border Areas Development, Assam, stated that a total of 77,829 hectares of Assam territory are under the control of six neighbouring states (The Hindu, n.d.). On the other hand, Arunachal Pradesh, Nagaland, Meghalaya and Mizoram claim that Assam forcibly occupies their ancestral land which had been occupied by their forefathers since pre-colonial era. Tribal culture is traditionally linked with land and tribal people passed down all important records and information from generation to generation through oral tradition which comprised of customary laws, conventional practices, traditions, social behavior, inheritance and territorial boundary. In fact, oral traditional practices of the tribal people seemed to be respected even by colonial powers, however, colonial rulers did not demarcate boundary properly on this basis. The territories in the foothills which were claimed as the domain of the tribal chiefs and which the tribal people regarded as their land were declared as reserved forest by the colonial ruler and such areas began to be administered by Province of Assam in colonial era and state of Assam after independence. Subsequently, border disputes between Assam and its neighbouring states are mainly concentrated in the reserved forest areas which are claimed by both parties. Had the colonial ruler

demarcated the boundary properly on the basis of historical records and occupation of land by tribal chiefs, the present boundary dispute in the North East Region between Assam and its neighbouring states may be avoided. Thus, the present boundary dispute in North East India between Assam and its neighbouring states is purely colonial legacy.

Status of the present disputed territory of Assam and Mizoram in pre-colonial and colonial era

Pre-colonial era

The 509 square miles (1318.31 sq. kms) area of land is the bone of contention in the border dispute between Assam and Mizoram. The territory was the domain of Mizo chiefs in pre-colonial era and different tribes of the Zo (Chin-Kuki-Mizo) ethnic group were found in both sides of the border. Suhas Chatterjee, prominent historian, mentions that Lushai-Kukis were allowed to settle in both sides of the border and he also mentions about Mawngpawrha who was father of great Mizo Chief Suakpuilala. The Lushai-Kukies and their kindred tribes settled both in Cachar and Manipur but the Government of Bengal encouraged them to settle within the British territory (Chatterjee, 1985: 9 & 41). Mawngpawrha Sailo was the third son of Lalula Sailo and he established his hold over the hills in and around present Aizawl (Chatterjee, 1995: 137). Mawngpawrha Sailo also established village near Chhotachhera which later on came to be known as Baga Bazar. Another Mizo chief Seipua also established village at a distance of 9 miles from Silchar but it was raided by Sentlang village in 1849 over the issue of gong. As Seipua village was regarded to be located in British territory, the British authority sent Colonel Lister to punish Ngura who was the Chief of Sentlang and Sentlang village was burnt down by Captain Lister. Mizo Chief Zalenga also established village and tea garden, established in the area by British authority also came to be known after him as Zalenga Tea Estate. Mizo chief Palawia also established village in the area and when tea garden was established, it was known as Palawia Tea Estate. Halam chief Lalchawnga also established village in the area. The British authority ordered some chiefs of the Zo ethnic group, namely, Halam and Thadou-Kuki chiefs to give royalty to King of Tripura but they were hesitant (Lalduhawma, 2007: 5-7). As a mark of protest Halam chief Lalchawnga (Lalchukla) raided Meitei village of Kochabari and took 20 heads and 6 captives. Captain Blackwood led Sylhet Infantry and attacked Lalchawnga village. Subsequently, Lalchawnga was sentenced for life imprisonment (Chatterjee, 1985: 9 & 41). Suakpuilala was the last prominent Mizo Chief who ruled in the area and he signed agreement with Superintendent of Cachar on 16-18 December 1850 and it was agreed that Seipua village would be demarcated in British territory and the rest would belong to Lushai Chiefs. Captain Steward, Superintendent of Cachar, tried to expand tea garden on the bank of Tuivai river, Tlawng river and Duarband hills but it was stiffly opposed by the Lushai Chiefs. British Government of India also instructed Steward not to proceed with the proposal but he forcibly demarcated the area inside British territory in 1867 (Lalduhawma, 2007: 8-9).

Colonial era

The British Indian Government tried to encroach Lushai Hills even before its annexation. In January 1871 Edgar, Superintendent of Cachar, was said to have signed treaty with Suakpuilala but it was found out to be imposter of Suakpuilala and the treaty was also not accepted by the Mizo people. The consequence of this proxy treaty was raid in British territory in the foothills including Alexandrapole Tea Garden which led to the killing of James Winchester and kidnapping of his daughter, Mary Winchester, by two Sailo chiefs namely Bengkhua Sailo and Savunga Sailo who were also brothers. As British Empire was shaken by news of the death and kidnapping at Alexandrapole tea garden, the Lushai Expedition of 1871-1872 was undertaken by the British Authority. Lushai Hills was attacked from two different directions, namely, Cachar and Chittagong. Cachar Column or Left Column was commanded by Brigadier General G. Bouchier which comprised of 1500 soldiers, 100 police men and 500 Meitei soldiers under the command of Major General W.F. Nuthall who was stationed in Chivu at present Churachandpur District of Manipur. The Southern Column or Right Column was commanded by Brigadier-General C.A. Brownlow which comprised of 1500 soldiers (500 each from 27th Punjab Native Infantry, 2nd Gurkhas Native Infantry and 4th Gurkhas Native Infantry). There were also Half Peshawar Mountain Battery and No. 3 Company, Sappers and Miners (Elly 1978: 7-11). The British forces returned after they defeated the Lushai chiefs and rescued Mary Winchester from the captivity of Sailo chief Savunga. Though Lushai Hills was not yet annexed to the British Empire, encroachment on Lushai territory was started with the issue of Inner Line Notification of 1875 by the British authority. In exercise of the power conferred under Section 2 of the Bengal Eastern Frontier Regulation, 1873, the Governor-General in-Council by Notification No. 2299p. Dt. 20-8-1875, notified Inner Line for Cachar which was published in Assam Gazette (Chakraborty, 1995: 12). The Inner Line Notification of 1875 was notified as per the accord, signed between Suakpuilala and the British Government in 1850 and this was also confirmed by Sunnad vide letter No. 1544p dated 22 July 1871. After that, 509 Square Miles territories of the Mizo chiefs were declared as reserved forest by colonial rulers on 17 March 1877 (Government of Mizoram, 2020). The inner line for southern boundary of Cachar was notified in this notification of 20 August 1875 and the line was subsequently amended and notified again on 3 July 1878. The Inner Line of 1875 was demarcated by the Survey of India and marked by 46 boundary pillars which were inspected almost every year and kept in good condition. The topographical map confirming the boundary description of the inner line as the provincial boundary was published on 30 September 1893 by the Survey of India. The boundary of Cachar and Lushai Hills as per the 1875 Notification were Kukicherra on the bank of Tlawng River, Duarbandh and Bagha Bazar (Lalchawimawia, 2020: 6).

Chin-Lushai Expedition was conducted again by the British Indian Government in 1889-1890 as many British subjects of the hills and plains were attacked by the chiefs of Lushai Hills and Chin Hills. Chiefs of Chin Hills frequently raided Burmese plains for plunders and slaves, and inflicted psychological fear among the British subjects in the Burmese plains. Likewise, Chiefs of Lushai Hills too frequently raided British territories in Chittagong, Tripura and Cachar and their main target being the

tea gardens in the foothills. As a result of the frequent raids in Chittagong by chiefs of Lushai Hills, British revenue collection in Chittagong Hill Tracts declined from Rs. 89,109 to Rs. 83,222 in 1888 and it was expected to go further down if the raids continued on without control. On 3 February 1888 Hausata and his men killed Lieutenant J.F. Stewart of Leinster Regiment and two other Europeans sepoy. The heads of those killed were chopped off and taken by the attackers. The double-barrel guns, pistol and other personal things of Lieutenant Stewart were also taken by the attackers. Besides the head hunting of Lieutenant Stewart and his team, there were also frequent raids and disturbances in Chittagong, Cachar and in Burmese Plains by the Chiefs of Lushai Hills and Chin Hills. The British authority felt that Chiefs of Lushai Hills and Chin Hills would not be disciplined without undertaking military operation against them. A plan was made for attacking Chin Hills and Lushai Hills from four different directions which was known as Chin-Lushai Expedition 1889-1890. Three provincial governments of British India, namely, Government of Bengal, Government of Assam and Government of Burma faced common problems in the menace of the chiefs of different tribes of the Zo ethnic group of Chin Hills and Lushai Hills (Reid 1978: 2 & 11-18). Attacks were planned from Chittagong and Cachar in Lushai Hills and from Southern Chin Hills and Northern Chin Hills. The result of 1889-90 expedition was total subjugation of Chin Hills and Lushai Hills under the British Administration and many chiefs were punished (Carey & Tuck 1975: 33-38). North Lushai Hills was kept under the administrative jurisdiction of the Chief Commissioner of Assam and Captain Herbert Brown was appointed as Political Officer on 3 June 1890 with headquarters at Aizawl. South Lushai Hills was kept under administrative jurisdiction of the Lieutenant Governor of Bengal and Steward Murray was appointed as Political Officer with headquarters at Lunglei. On 6 September 1895 the whole Lushai Hills was officially annexed to the British Empire. Subsequently, the two administrative units were amalgamated into single administrative unit as Lushai Hills under the Chief Commissioner Province of Assam with effect from 1 April 1898. Along with that Chin Hills Regulation, 1896 was enforced in Lushai Hills and Lushai Hills was brought under Inner Line Regulation on 28 August 1930 and the erstwhile Inner Line for Cachar was said to be abolished vide notification No 9102 A.P. dt 28-8-1930. After that, another notification vide No. 2106 dt 9-3-1933 was notified again (Chakraborty, 1995: 51 & 63). In this regard the standpoint of the Government of Mizoram and civil societies clarify that notification of 1930 and 1933 were issued without consulting Mizo Chiefs and Superintendent of Lushai Hills, so they cannot accept it. Thus, the standpoint of the Government of Mizoram is the solution of boundary dispute on the basis of Inner Line Notification of 1875 which was issued as per the accord of British Government and Mizo Chief, Suakpuilala. As such, the Mizoram Legislative Assembly also passed official resolution in 2007 that the Government of Mizoram stands for solution of boundary dispute as per the Inner Line Regulation notification of 1875. However, the Government of Assam sticks to the Inner Line Notification of 1933 and it states that solution of the boundary dispute should be decided on the basis of 1933 Notification.

Boundary issue after independence

After independence Lushai Hills was accorded Autonomous District Council (ADC) under the provision of the Sixth Schedule to the Constitution of India and Lushai Hills Autonomous District Council was inaugurated by Bishnuram Medhi, Chief Minister of Assam, at Aizawl on 26 April 1952. After one year, the Pawi-Lakher Regional Council (PLRC) was inaugurated by Ch. Saprawnga, Parliamentary Secretary to Government of Assam, at Lunglei with headquarters at Saiha on 23 April 1953. As per amendment of the Sixth Schedule to the Constitution of India by Indian Parliament, the name of Lushai Hills Autonomous District Council was changed into Mizo District Council in 1954 (Doungel, 2022: 7-8). On the basis of the provision in paragraph 3, sub-paragraph (1) of the Sixth Schedule to the Constitution of India, ADCs and Regional Councils can make laws for (a) allotment, occupation or use, or the setting apart of land, other than any land which is a reserved forest (b) the management of any forest, not being a reserved forest (c) the use of any canal or water-course for the purpose of agriculture and (d) the regulation of the practice of jhum or other forms of shifting cultivation. Paragraph 8 of the Sixth Schedule also empowers ADC and Regional Council to assess and collect land revenue and to impose tax. On the basis of the provision, provided in Paragraph 3 and Paragraph 8 of the Sixth Schedule to the Constitution of India, reserved forest has been under the jurisdiction of the state Government (Bakshi, 2006: 344 & 350). However, the ADC can make laws and manage forest which is not a reserved forest. Yet, as the Mizo District Council did not have qualified Forest Officer at that time, the Government of Assam issued a notification which was signed by R.V. Subramanian, Secretary, Tribal Development, Government of Assam vide No. DC2/53/187dt 4.9.1953. Accordingly, 70 percent of royalty collected by Divisional Forest Officer (DFO), Silchar in the reserved forest area was submitted to Mizo District Council and 30 percent of the royalty was retained by DFO, Silchar as expenses incurred in the performance of official duty. However, the coverage of the area of reserved forest area in the collection of royalty by the DFO Silchar was not certified properly (Lalvunga, 2020).

The present reserved forest area of 509 square miles is the bone of contention in the border dispute between Assam and Mizoram. Mizoram claims it as its ancestral land which had been under the rule of Mizo chiefs since pre-colonial era but Assam also claims it on the ground that reserved forest is under the jurisdiction of provincial government since colonial era. The Mizo District Council also demanded to the Government of Assam to properly demarcate the boundary between Cachar and Lushai Hills and resolution to this effect was passed by the Mizo District Council in July 1965. After that, officers of Government of Assam and authorities of Mizo District Council met on 9 December 1965 for solving the Cachar–Lushai Hills boundary but no concrete resolution was arrived at. The Mizo District Council rightfully claimed the settlement of boundary dispute on the basis of the Inner Line Regulation Notification of 1875 and made its standpoint clear on the issue. Like the border issue of Assam with other neighbouring states, Assam-Mizoram border dispute also began to be more controversial with the declaration of the Union Territory of Mizoram on 21 January 1972. The Government of Assam started forcible eviction of the Mizo

cultivators from villages of Buhchangphai and New Buhchang which the Mizo people claim as their traditional land since pre-colonial era. Houses and paddy were burnt down by Assam side and in this action even church and school buildings were not spared. The matter was reported to Ministry of Home Affairs and Government of Assam. The Chief Minister of Mizoram, Ch. Chhunga even met the Chief Minister of Assam on 9 November 1972 and they proposed the matter to be solved by Chief Secretaries of the two sides. The Government of Assam even alleged that Mizo cultivators were encroachers in the reserved forest area but the Mizos claimed that they cultivated the land as their traditional land since pre-colonial era. After that Assam Government even arrested Mizo cultivators who cultivated the area in March 1973 and Mizo cultivators were evicted again in September 1973 even to the extent of burning the paddy fields. In the midst of all these atrocities and discriminations committed upon Mizo cultivators in the border areas Ch. Chhunga, Chief Minister of Mizoram, submitted memorandum to the Prime Minister of India for proper settlement and demarcation of the boundary between Assam and Mizoram in Cachar frontier as per the Inner Line Regulation Notification of 1875 on 2 January 1974 (Memorandum, 1974).

The People's Conference (PC) Government led by Brigadier T. Sailo from 1978-1984 also took up strong measures for solution of boundary dispute by appointing boundary commission under the chairmanship of Brigadier Vankunga but not much headway could be made due to insurgency. The border dispute also surface again from time to time after up gradation of Mizoram to status of statehood with effect from 20 February 1987. There was an incident of the arrest of 8 PWD labourers of Government of Mizoram by Cachar Police near Vairengte on 25 January 1994. In this regard the chief secretaries of the two states met on 9 February 1994 and 11 February 1994 and they resolved to maintain the status quo. Some tension erupted again in 2007 because waiting shed constructed by the Government of Mizoram was dismantled by Cachar Police and newly constructed Police Outpost of Assam Police was also attempted to be destroyed by Mizo Zirlai Pawl (MZP) volunteers which led to tension in the area. In 2008 Chalthanzawna, who was the son of first Chief Minister of Mizoram Ch. Chhunga, was arrested by Assam Police while he was working in his paddy field at Zophai. The Cachar Forest Department erected pillar at Lalhmgangaiha Sailo paddy field at Ailawng near Vairengte on 2 September 2012 but the pillar was uprooted by K. Liantlinga, MLA from Zoram Nationalist Party (ZNP) and some volunteer on 11 September 2012 (Lalduhawma, 2007: 18-22).

The Mizo Zirlai Pawl (MZP) tried to construct Zofate Chawlhbuk (Rest House of the Zo ethnic group) at Zophai, Bairabi in March 2018 but the peaceful movement of the MZP was dealt with firing order by Assam Police on 19 March 2018 and many volunteers of the MZP were injured by the firing and lathi charge of Assam Police. Besides the MZP volunteers, some journalists including reporter of News18 and lady journalist, Embassy Lawbei, was also among the injured journalists. However, no appropriate steps were taken up by Congress Government led by Lalthanhawla from Mizoram side and there was no interference and involvement of police force from Mizoram side (L. Ramdinliana, 2020). The tension in Assam-Mizoram border erupted

again when Assam Police and Forest Department personnel burnt down the hut of John Zolawma farm at Thinghlun village in Mamit District on 9 October 2020. Besides burning down the hut, they also destroyed crops and materials in the farm. Subsequently, the Government of Mizoram submitted FIR in Kanghai Police Station and also lodged complaint to the Ministry of Home Affairs, Government of India. The Government of Mizoram also stationed a platoon of 4th Battalion Mizoram Armed Police in Thinghlun village for safety and protection of the common people (The Aizawl Post, 11 & 12 October, 2020). The outbreak of tension in Thinghlun was followed by Vairengte and Saihapui V where there were encroachments from Cachar side on both places. There was outbreak of violence between Vairengte and Lailapur on 17 October 2020 which led to injury of some persons on both sides (The Aizawl Post, 18 & 19 October, 2020) and it was followed by blockade of National Highway Number 306 (earlier National Highway 54) connecting Assam and Mizoram by Cachar side. As essential commodities which were to be transported to Mizoram were blocked, Mizoram faced some problems but supplies could be managed to be transported from Manipur and Burma through the initiative of Government of Mizoram. The blockade of essential commodities and illegal encroachment of Mizoram territory by people of Cachar was condemned by different tribes of Zo ethnic group of Manipur, Tripura, Burma (Myanmar), Bangladesh and even from Assam itself. With the intervention of the Union Home Secretary, there was video conferencing of Chief Secretaries of the two states with the Union Home Secretary and agreed upon the stationing of Border Security Force and SSB in border outpost of Mizoram and Assam respectively. Subsequently, blockade of the National Highway Number 306 was also lifted from 10 November 2020 (The Aizawl Post, 8 and 9 November, 2020).

The solution to the long drawn border dispute between Assam and her neighboring states in general and Assam and Mizoram in particular may be materialized only through political dialogue on the basis of historical experience of the people. However, aggressive and populist measure by politicians on both sides with regard to border issue is on playing with wild fire. It aggravates the situation than solving and solving the problem. After about seven months of near normalcy, border tension aggravated again since June 2021. Hailakandi Deputy SP and some police personnel entered Ailawng near Vairengte on 27 June 2021 which was followed by another encroachment of around 120 Assam Police personnel led by SP Hailakandi District with 40 civilians at Ailawng on 29 June 2021 and established camps which was said to be done on the order of Chief Minister's Office. The team also destroyed valuable crops of the farmers who cultivate the land and the expectation of the farmers for reaping their hard work by sweating was devastated by this destructive work of Assam Police. On hearing the news of encroachment SDO (Civil) Vairengte and SDPO Vairengte, along with some personnel of Mizoram Armed Police went to the spot, requesting them to withdraw but they replied that they could not withdraw as they got order from higher authority. There was DC level talk between Hailakandi and Kolasib district and Chief Secretary level talk on 9 July 2021, but without progress. Assam Government proceeded with road construction near Buarchep village on 10 July 2021 and Ch. Chhunga paddy field at Zophai on 11 July 2021. Tension aggravated from time to time in Chhuhvel, Mamit District, Zophai, Kolasib District and Vairengte in Kolasib District with

neighbouring districts and locality of Assam (Government of Mizoram, 2021). Union Home Minister Amit Shah had meeting with Chief Ministers of North Eastern States on 24 July 2021. Mizoram Chief Minister, Zoramthanga, submitted memorandum to Union Home Minister highlighting the status of the present disputed area which Assam claims but which has been occupied and cultivated by the Mizos since pre-colonial era. Zoramthanga also informed Amit Shah that he discussed the necessity of maintaining status quo in his talk with Hemanta Biswas Sarma, Chief Minister of Assam, on 28 June 2021. However only two days after meeting of Chief Ministers of the region, on 26 July 2021 one IGP of Assam, DC, SP, and DFO of Cachar District with 200 armed constable and some civilians crossed CRPF duty post and forcibly occupied Mizoram Police duty post where there were about only 10 police personnel from Mizoram side. They went as far as Vairengte Auto stand inside Mizoram territory and reinforcement was sent from Mizoram Police after knowing intrusion of Assam Police as far as Vairengte Auto Rickshaw Stand. The forcible intrusion consequently led to unwanted gun battle which led to the loss of six valuable lives on the spot (Vanglaini, 2021). The border issue in North East India is an ongoing problem, and should be dealt tactfully with accommodative, persuasive, democratic and mature approach rather than the aggressive, opportunist, populist, sentimental and offensive nature which will create more tension than solving the problem. Therefore, any political leader or political party should not treat and utilize border issue like any other political propaganda for popularity.

Constitutional provision of border issue and its amicable solution

There is no specific mention about inter-state boundary demarcation and how inter-state boundary issues can be settled in the Constitution of India. However, the Constitution gives exclusive power to the Parliament of India under Article 3 to form new States, alter the areas, boundaries or names of existing States. This article is the only constitutional provision which can be referred with regard to inter-state boundary and inter-state boundary dispute, but there is no clear-cut mention of how state boundary is formed or the problems can be resolved. In Seventh Schedule of the Constitution of India, in Article 246, there are three lists, namely, Union List with 97 subjects, State List with 66 subjects but in reality 62 subjects now and concurrent list with 47 subjects. Yet, there is no mention of the subject relating inter-state boundary dispute in the three lists too. It can be assumed that inter-state boundary may be in the residuary powers and there are no such boundaries written in the Constitution of India (Bakshi, 2006: 6). Some refers to the North Eastern Areas Reorganisation Act, 1971 and Mizoram Accord of 1986 as the only available option for solution of Assam-Mizoram boundary dispute. However, there is no clear-cut mention of inter-state boundary line even in the said Act as well as in the accord. It is mentioned in sl. No. 6 of the North Eastern Areas Reorganisation Act, 1971 that “on and from the appointed day there shall be formed a new Union Territory, to be known as the Union Territory of Mizoram, comprising the territories which immediately before that day were comprised in the Mizo District in the existing State of Assam and there upon the said territory shall cease to form part of the existing State of Assam.” Yet, there is no

clear-cut mention of boundary line even in the Act. Sl. No. 4.3.(1) of the Mizoram Accord mentions that “The territory of Mizoram shall consist of the territory specified in Section 6 of the North Eastern Areas Reorganisation Act, 1971” without a clear-cut definition of the inter-state boundary.

It is an undeniable fact to admit that the border dispute between Assam and its neighbouring states in general and the border dispute with Mizoram in particular is a colonial legacy which amicable solution can be found only through mature political dialogue on the basis of historical facts and documents. It should also be recollected that all boundary disputes which Assam have with her neighbouring states are only in the reserved forest area and all the disputes began with the separation of the existing states from Assam. Therefore, any boundary issue including the boundary dispute between Assam and Mizoram on Cachar frontier was left pending on the excuse of intervention of the Union Home Ministry, but inter-state boundary dispute will not be solved overnight.

Conclusion

In North East India “the emergence of new states in the region were mainly the offshoots of ethno-territorial aspirations and today the state territories are some of the most contested as well as defended political entities” (Haokip, 2022: 438-439). The border disputes between Assam and her neighbouring states are a product of colonial legacy. It is evident that the tribal territories in North East India were independent in their own way. The British Colonialism created the Province of Assam for its own administrative convenience and tribal territories were annexed to the Province of Assam one after another. However, the colonial ruler did not properly demarcate the boundary on the basis of historical facts and records. Over and above that, the foothills which were the domain of the tribal chiefs were declared as reserved forests which began to be administered by the Province of Assam and the State of Assam after independence, and the present border disputes are mainly concentrated in the reserved forests, which clearly signifies the outcome of the improper demarcation at the time since the colonial period. The boundary between Cachar and Lushai Hills was clearly notified by the Inner Line Regulation notification of 1875 even before the annexation of Lushai Hills to British Empire. Like other tribal states of the region, Mizoram also began to have border dispute with Assam after its declaration as Union Territory of Mizoram with effect from 21 January 1972. Eviction and discrimination of Mizo cultivators in the reserved forest area by Assam Police and Forest Department started after Mizoram became Union Territory and frequent border dispute erupted from time to time. Official of the two states met and deliberated upon the issue from time to time but amicable solution cannot be arrived up till now. The standpoint of the Government of Mizoram is solution of the border dispute on the basis of 1875 Notification but Assam stands for the Notification of 1933 with claim on constitutional boundary. As the boundary dispute is a colonial legacy, if appropriate measures are not taken up with realistic approach by the two state governments of Assam and Mizoram, there will be unending border problem between the two states. Therefore, government of the two states should pay serious attention

to this chronic border dispute between the two states and try to find out a way for its solution in a democratic manner. Over and above, the Government of India should also pay serious attention to the border disputes which remain unsolved for a long time between Assam and the neighbouring states.

References

- Bakshi, P. (2006). *The Constitution of India*. Delhi: Universal Law Publishing Co. Pvt Ltd.
- Carey, B., & Tuck, H. (1976). *The Chin Hills* (Vol. 1). Aizawl: Tribal Research Institute.
- Chakraborty, P. (1995). *The Inner-Line Regulation of the North-East India*. Titagrah: Linkman Publication.
- Chatterjee, S. (1985). *Mizoram Under the British Rule*. Delhi: Mittal Publications.
- Chatterjee, S. (1995). *Mizoram Chiefs and the Chieftdom*. New Delhi: M D Publications Pvt Ltd.
- Chaube, S. (1999). *Hill Politics of Northeast India*. Hyderabad: Orient Longman Limited.
- Das, P. (n.d.). Interstate Border Dispute in the Northeast. Retrieved July 11, 2020, from https://idsastrategiccomments/InterstateBorderDisputeintheNortheast_PDAs_120608
- Doungel, J. (2010). *Evolution of District Council Autonomy in Mizoram*. Guwahati: Spectrum Publications.
- Elly, C. (1978). *Military Report on the Chin-Lushai Country*. Aizawl: Tribal Research Institute.
- Gait, S. (2017). *A History of Assam*. Guwahati: EBH Publishers.
- Gazette of India, July-September, 1875, Foreign Department Notification, No. 2299P, the 20th August, 1875, Writers Building, Kolkata, 23rd March, 2023.
- Government of Mizoram. (2020, December). Records and Documents. Aizawl: Home Department.
- Handique, R. (2004). *British Forest Policy in Assam*. New Delhi: Concept Publishing Company.
- Hansaria, B. (1983). *Sixth Schedule to the Constitution of India – A Study*. Gauhati: Ashok Publishing House.
- Haokip, T. (2022). Territoriality. in Jelle JP Wouters (ed.). *The Routledge Companion to Northeast India*. Routledge India, 434-439.
- Lalchhuanmawia. (2020, October 31). Nagaland Leh Assam Ramri (Nagaland and Assam Boundary). *Vanglaini*, pp. 2-3.
- Lalduhawma. (2007). *Barhlui Ramri*. Aizawl: Rothuama Sailo.
- Lalrambuatsaiha, C. (n.d.). *The Aizawl Post*.
- Lalvunga, Z. (2020, October 24). Tuna Kan Ram Ri Hi kan tan ngei a ni Part –II. *Vanglaini*.
- Memorandum, submitted to the Prime Minister of India by the Chief Minister of Mizoram on the subject of settlement and demarcation of the Northern boundary of Mizoram. (1974, January 2).
- Pandey, M. (2006). *Constitutional Amendments from 1st Amendment Act, 1952 to 93rd Amendment Act, 2005*. Noida: JBA Publishers.

- Philips, Patrick, et. al. (2020). *Oxford Advanced Learner of Current English*. New York: Oxford University Press.
- Ramdinliana, L. (2020, December 17). Interview with former President Mizo Zirlai Pawl (MZO). (J. Doungel, Interviewer)
- Rao, V., & Hazarika, N. (1991). *A Century of Government and Politics in North East India Vol I (Assam) (1874-1980)*. New Delhi: S. Chand & Company Ltd.
- Reid, S. (1978). *The Lushai Hills*. Aizawl: Tribal Research Institute.
- Sapdanga, K. (n.d.). Vanglaini.
- Singh, C. (1981). *Political Evolution of Nagaland*. New Delhi: Lancers Publishers.
- Spear, P. (1999). *A History of India Volume Two*. New Delhi: Penguin Books India (Pvt) Ltd.
- Vanglaini. (2021, July 27). Mizoram leh Assam police an inkâp; Assam police 6 thi, Mizo pakhat hliam. *Vanglaini*, p. 4. Retrieved April 16, 2024, from <https://www.vanglaini.org/tualchhung/38516>