

CHAPTER III

IMMIGRATION POLICY OF THE GOVERNMENT

Immigrants from Mymensingh had been infiltrating into Assam particularly into the Barpeta and Nowgong subdivision since the beginning of the twentieth century.¹ It became a rapid and steady process, the first of which is traceable in the Census Report of 1911. The Census Commissioner in his report first pointed out the dangers of immigration by calling it “..... a peaceful invasion of Assam by the advancing hoards of Mymensinghia army.....”²

For the first time in 1913 the problem of agricultural immigrants and the need for preventing interference with the Assamese had begun to attract attention of colonial officials. The number of all immigrants was then under twenty thousand and the government policy was to encourage immigration.³

In 1913 the Deputy Commissioner of Nowgong went to Geruabokoni *mauza* to enquire about the objections of local indigenous people of Hatimuria and its neighborhood regarding the settlement of some twenty houses of Mymensinghia immigrants there. He observed that the Mymensinghia immigrants were excellent cultivators but more aggressive than the indigenous Assamese. The indigenous cultivators were afraid of due to the presence of these immigrants on account of their

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1. *Line System Enquiry Committee Report* p.2
 2. M.Kar, *Muslim in Assam Politics*, (New Delhi, Vikas Publishing House, 1977) p.17
 3. ASF Rev. A September 1928 No.1-22

litigious character. Personally the Deputy Commissioner was not in favor of discouraging immigration from Mymensingh in Assam.⁴

The colonial rulers in Assam were considering some amendment in the land revenue settlement on account of annulment of Bengal partition. In June 1912 W.M Kennedy wrote to the Director of Land Records and Agriculture that owing to the dissolution of Eastern Bengal and Assam, the alteration was necessary to the new draft rules under Assam Land Revenue Regulation.⁵

Consequently in September, 1915 the Colonial Government in Assam proposed a consolidated set of rules and published it in 1915. The new rule empowered Deputy Commissioners to make settlement subject to the approval of Chief Commissioner. By the new rule all the settlements were to be made on an annual *patta* basis which conferred on the settlers only the right of users and no right of inheritance and transfer. After a reasonable period that annual *patta* would be converted into a periodic one by the district authority concerned.⁶

Another important provision of the new law was under section 12 which empowered Deputy Commissioner to eject any person from land over which such person had not acquired the rights of a proprietor, landholder or settlement holder, within three months of the notice.⁷

It was an important modification in respect of transfer of land as under previous rule landholder had a permanent, heritable and transferable right of use and occupancy.⁸

These new set of rules were intended to benefit the indigenous Assamese people, to prevent them from transferring lands to immigrants, a curtailment of Assamese right

4. ASF S/139R of 1913

5. ASF Rev. A February 1915 Nos-124-143

6. M.Kar,*op.cit.*p.17

7. ASF, Rev. A January,1917 Nos-107-139

8. ASF, Rev. A February 1915,Nos.124-143

to sell and transfer. It was unavoidable and essential as immigration could not be stopped by Provincial Government.⁹

Many objections rose from many quarters but the Chief Commissioner rejected all objections and declared no change in the policy. Finally by the Revenue Department Resolution No.2905 R dated the 26th August 1916, declared the rules as finally approved and enforced.¹⁰

By 1916, the problem of agricultural cultivators from Bengal district of Mymensingh became more serious. J.McSwiney, Director of Land Records and Agriculture by a letter dated 19th December, 1916 informed the Commissioner, Assam Valley Districts that it had become a difficult task of assimilating the new Mymensinghia immigrant settlers in the general economy of the province.¹¹

McSwiney observed that in Nowgong and in Rangpur these Mymensinghia settlers were called Bhatials and the general impression of the local officials were that these immigrants were turbulent and mischievous people with whom contact was distinctly difficult. The mandals and the local Gaonburas were afraid of them and preferred to keep a considerable distance from them.

According to him specific governments orders were needed to control them. At the same time he put forward a proposal of appointing a Muhammedan Sub-Deputy Collector from Sylhet as Special Colonisation Officer who would be able to map out areas for their colonies and encourage a greater immigration.¹²

P.R.Gurdon in his note dated 20th March 1917 expressed his desire that the immigrants should be encouraged to merge their custom and language with that of the people of Assam valley, for which he preferred the appointment of Muhammedan Sub Deputy Collector and Kanungos in those villages, which were inhabited by large number

9. M.Kar.*op.cit.*p.17

10. *Ibid.*p.17

11. ASF Rev. Deposit R(A) September,1920 Nos.1-12

12. *Ibid*

of Muhammedan settlers. At the same time, Gurdon suggested for discussion with the Assam Association before taking any decision regarding local administration and passing of any order. He considered that it was not only important from the point of land records but also possess an important political aspect. Moreover, according to him, it raised a sociological problem in Assam valley Division from the view point of Assamese population.¹³

From the available primary source it has become clear that the immigration in the early 20th century experienced hardship and confrontations from among official circles on the one hand and the earliest immigrants on the other. It is evident from the confidential letter of Debendra Kumar Mukherjee, Assistant Director of Land records dated 25th February, 1920, who visited certain villages under Geruabokoni and Dihing *Mauza* for official enquiry. While witnessing the inflow of immigrants, he was informed by new coming immigrant settlers that they were at the mercy of the mandals who levy blackmail more or less for pointing out available lands. No land was available to immigrants without paying money firstly to matbars (village headman among old immigrants who settled their earlier), secondly to the mandal and thirdly to the mauzdar. Everyone was to be satisfied in order to prevent rival claimants for the same land. It had become a source of income to shrewd people among the earlier Mymensinghia immigrant settler. He also stated that the Deputy Commissioner of Nowgong in his latest order had directed that the allotment of land to the new immigrants should not exceed 10 nals in width and 100 nals in length for each family. The settlement should be made by the Sub-Deputy Collectors and in his absence by Kanungoes.¹⁴

Assistant Director of Land Records, therefore, considered the appointment of a Special Colonisation Officer not only to save the new coming Mymensinghia immigrants from the hands of low paid colonial officials but also to safeguard the interest of indigenous population. From the same source it has been informed that there was an order of Mr. Dawson to the effect that no land within a mile of any village

13. *Ibid*

14. *Ibid*

inhabited by Hindus or Kachari people should be settled with the immigrants, but that rule was not observed anymore.¹⁵

Moreover, he observed that the system of cultivation practiced by the indigenous cultivators was totally different from those of Mymensinghia cultivators, who never relinquished lands after cultivating it for a short period of time. He was informed that the Mymensinghia cultivators preferred to get settlement on those lands which were abandoned by indigenous cultivators, and for which they offered good prices. The colonial officials realized that it was not possible for indigenous cultivators to adopt similar method cultivation, practised by immigrants in near future. Therefore, the colonial officials considered it necessary to reserve large number of jungle lands near the villages of indigenous cultivators, to enable them to carry out their old method of fluctuating cultivation.¹⁶

After carefully observing the situation Assistant Director of Land Records put forward some proposals for consideration in the Assam valley. It recommended for written application to be made to the Deputy Commissioner or the Sub-Deputy Collector for settlement of new land with the immigrants, which would be allotted by the Sub Deputy Collector after personal enquiry. The proposal urged not to entertain any application for settlement in those areas reserved for indigenous cultivators. Other than periodically settled land, no sale transactions should be recognized by the Deputy Commissioner, and the Deputy Collector should prevent same person from possessing more land which were required for his own cultivation.¹⁷

Meanwhile, from various corresponding letter of the colonial officials it appears that the settlement of wasteland by immigrants was going through haphazardly and the Government realized the need to control the settlement. It also appeared that to avoid collision between the local inhabitants and the immigrants specific areas were marked

15. *Ibid*

16. *Ibid*

17. *Ibid*.p.26,27

by district authorities by drawing a line beyond which movement of immigrants were prohibited.

It is evident from a letter of W.J. Ried, Commissioner, Assam valley, who addressed the Government in March, 1920 with the suggestion for appointment of a colonisation officer on the subject of the settlement of Mymensinghia immigrants in the Assam valley. In that letter, it appeared that he sympathized with the idea of Mr. Gurdon to induce immigrants to the Assam valley to merge their custom and language with the customs and language of Assam, but to him it was an impractical idea. According to him special colonization officer might be appointed for a brief period and be placed under the Deputy Commissioner of the district. For the purpose, like McSwiney he suggested for appointment of one Lutfur Rahman as special colonisation officer in the Assam valley.¹⁸

From the letter of A.H.W Bentinck, Deputy Commissioner of Kamrup dated 26th February, 1920 it appears that the system of drawing a line across which new immigrants were not permitted to settle had already begun in the Barpeta Division. Though the settlement of immigrants in Goalpara district continued without any prohibitory measures as it falls under the zamindari settlement. In his letter Bentinck admitted the presence of large number of immigrants in Nowgong district and particularly in Barpeta subdivision the rush of immigrants for lands reached to far extent. The immigrants were not only found settling in the riverine tract they made inroad well inside the subdivision. Bentinck observed that the arrival of new Mymensinghia immigrants had been watched throughout with apprehension and disliked by the Assamese villagers. Therefore, to avoid collisions between the two communities some administrative steps to separate themselves might be deemed necessary by the local administration. As a part of that measure, a line had been drawn by the Circle Officer, which was evident in Chenga-Bogribari *Mauza* of Barpeta sub-division as witnessed by Bentinck, the south of which the immigrants were allowed to settle, while the north of that line was reserved for the extension of the cultivation by indigenous people.

18. *Ibid*

Similarly, in Rupasi and Bhawanipur *Mauzas* the immigrants had been allowed south of the Trunk Road but not north of it.¹⁹

It also appeared to Bentinck that the relationship between the new immigrant settlers and the local inhabitants were far from cordial and local gaonbur as (village headman) preferred to leave them unvisited. Bentinck, therefore, urged upon the need of early appointment of an officer to regulate the existing settlements of Mymensinghia immigrants and revise if necessary the boundaries already lay down. He also suggested for selection of village officers from among the immigrants who would be asked to cooperate with the local officials for the ultimate absorption with the people of Assam.²⁰

From a similar letter from the Deputy Commissioner of Nowgong C.G.G Helme to W.J.Reid, Commissioner Assam Valley Division dated 5th March 1920; it appears that there already existed similar lines in some villages in Nowgong which was intended to restrict indiscriminate settlements by Mymensinghia immigrants. According to Helm, the whole matter came to his notice by two ways- (1) police reports and (2) information from Land Records Staff. He was also informed about few cases of rioting both between opposite parties of immigrants and between immigrants and indigenous Assamese people. Helm considered other aspect of the problem more serious which involved (i) malpractices on the part of the mandal and others, (ii) Sale of annual *pattas* both by Assamese and other older to claim possession of comparatively large areas with a view to speculation.²¹

It was evident from the letter of the Deputy Commissioner, Nowgong that there were some stipulations for the settlement of Mymensinghia immigrants in Nowgong at that time. According to which, an immigrant family was allowed for settlement only twelve bighas of land, and settlement was to be made only by the Sub-Deputy Collector. The settlement of land by immigrants was to be determined by possession and actual cultivation. In case of any collision between Assamese and

19. *Ibid.* p.34

20. *Ibid*

21. *Ibid*

immigrants, a line was to be demarcated between them and settlement to be refused to a trespasser who he had acquired the land by purchase or otherwise.²²

Helm realized that the work of colonization was too heavy a task for a single Sub-Deputy Collector, and therefore he advocated for the appointment of a Special Colonization officer. Before sending up proposals for Special Colonisation Officer Helm decided to discuss the matter with the Chief Commissioner at Hojai, who advised him to inform the situation of Nowgong to the Commissioner.²³

It should be mentioned here that the device by drawing line to separate the immigrants from the indigenous people with the plea to avoid collision developed entirely with the district officers and not adopted in execution of any government orders. The Government, however, did not interfere and the system gradually developed although not on parallel lines in all district.

By 1921 nearly 90,000 acres had been settled with Mymensinghia immigrants in the Assam Valley districts and the matter was engaging the attention of both Government and the Council. Meanwhile, a colonisation officer had already been appointed for Nowgong. By the end of 1922-23 it was reported that the numbers of immigrants had increased to nearly 1, 35,000, of whom about half in Nowgong, the increase was about 20,000 a year.²⁴

The matter become serious in 1923 when it was found that immigrants had begun to press on some old established Assamese villages, that the question of imposing some sort of restriction was considered by the Colonial Government. Accordingly, the Government decided to separate the settlement of both Mymensinghia immigrants and indigenous inhabitants by an official order. Therefore, the first standing order was passed by Mr. Higgins in 1923, who classified the villages in Nowgong into seven different classes. His order was further strengthened by his successor Mr. Thomas in

22. *Ibid.* p.39

23. *Ibid*

24. ASF Rev-A September 1926 Nos 1-22

August 1924. In that district further settlement of immigrants were restricted in eight *mauzas* though a number of villages containing immigrant settlers in other *mauzas* were allowed to continue. It was allowed under the condition that no more new land settlers should be allowed to take up lands in those areas.²⁵

The colonisation officer, in consultation with the Circle Sub-Deputy Collectors concerned, had prepared lists of all villages in the *Mauzas* open to settlers from Eastern Bengal, namely: (1) Laokhowa, (2) Khatowal, (3) Juria, (4) Dihing (5) Mikirbheta (6) Geruabokoni (7) Mayang (8) Charaibahi.²⁶ Settlement of lands with immigrants, or the transfer or subletting to immigrants of settled land was declared strictly prohibited except in these *mauzas*.

According to plan of Mr. Higgins villages were classified under the following heads: (1) Villages in which there were at present only Mymensinghia settlers. In these villages the Mymensinghia settlers could be permitted to take up land without hindrance. In these villages Assamese people should not be allowed to take up land without the sanction of Deputy Commission.

(2) Villages in which there were at present only Assamese and where there was land available for Mymensinghia settlers. In all these villages the Colonisation Officer or the Sub-Deputy Collectors would fix lines between Assamese and the immigrants for settlement, reserving sufficient land for the Assamese for future expansion.

(3) Villages in which there were at present only Assamese, and where Mymensinghia settler should not be permitted to settle. The Colonisation Officer, Sub-Deputy Collectors and Revenue staffs would be held responsible for any Mymensinghia footings in these villages.

25. LSEC p.3

26. *Line System Committee* Vol.IIIp.12

(4) Villages in which there were at present both Assamese and Mymensinghia settler, a line had been fixed. The Revenue staff would be held responsible if Mymensinghia settlers are found encroaching into the portion of the village reserved for Assamese.

(5) Villages in which there were at present both Assamese and Mymensinghia settler, in which no line had been fixed. But a line might be fixed where possible in future.

(6) Villages in which there was at present no cultivation that should be kept reserved for Assamese.

(7) Villages in which there was no cultivation at present and where Mymensinghia settler might be permitted to settle. There were not many of these kinds of villages except in Mayang *mauza*, but the Government considered that Mayang should to be kept in reserve until no more land was available in Geruabokoni.²⁷

In partial modification of the above order of Higgins another standing order was passed by F.A S Thomas, Deputy Commissioner Nowgong on 22nd August 1924.²⁸ According to which, the term “Mymensinghias” would in future be dropped and the word immigrant be substituted in all official papers. The word immigrants would include persons from all districts of Bengal and Surma Valley except tea garden labourers and ex-tea garden labourers.²⁹

In addition to these there were certain villages on other *mauzas* where the immigrants hold periodic *pattas*, and it was decided that they should remain undisturbed. However, the immigrants would not be allowed to extend their holdings by squatting purchases or any other means. The settlement new coming immigrant on any pretext was declared strictly prohibited.³⁰

27. *Ibid*.p.13

28. *Ibid*

29. *Ibid*

30. *Ibid*.p.14

The effect of the classification was to divide the whole district into blocks for the use of the indigenous Assamese and for the immigrants respectively.³¹

Meanwhile, Thomas the Deputy Commissioner of Nowgong, approved all existing lines already fixed by the Colonisation Officer or Sub-Deputy Collector and declared that the new restrictions were imposed under Rule 1A of the Settlement rules framed under the Assam Land and Revenue Regulations.”³²

Thus the official policy of the colonial government marked a change with such steps aimed at confining the immigrants within certain boundaries. But such executive steps failed to solve the problem of settlement as the Colonization Officer complained that the Assamese were found subletting their lands to immigrants in restrictive areas. It should be mentioned that these executive orders issued by Deputy Commissioner could only be effective as far as new settlements of wastelands and land under annual leases were concerned. But in case of those lands which were held under periodic lease, such executive orders would have no effect. As from various primary sources and corresponding letter it appears that the Assamese people had continued to transfer lands within the lines of restriction as under the provision of the then existing law there was no bar for the sale of any periodic *patta* to an immigrant, which made the problem more complex.

Debendra Kumar Mukherjee, Assistant Director of Land Records, who went for an inspection in Dihing circle in April, 1924 found that lands belonging to the Assamese people were fast passing into the hands of the immigrants in those areas where there existed no line of division. He apprehended that if transfer of land continued in such a rate then within a few years all such villages would be held exclusively by the immigrants. Therefore, until the Deputy Commissioner took special measures by

31. *Ibid*

32. *Ibid*.p.15

marking out the blocks of land held by the Assamese people and prevent further transfer of land to the immigrants, he saw no hope to protect the Assamese people.³³

While giving the reason behind the transfer of lands to immigrants the Assistant Director of Land Records, in his report pointed out that the Assamese people could not resist themselves from temptation of high prices offered by the Mymensinghia immigrants and thereby sold their possession. He realized that the Assamese people failed to foresee the result of such an action and if such thing continued then, they would be compelled to leave their ancestral place sooner or later and migrate elsewhere.³⁴

Therefore, considering the situation he submitted a proposal with the suggestion that the mixed villages should be divided into blocks as far as possible. It also proposed that no more immigrants should be allowed to acquire land by purchase or by any other means in the Assamese blocks without the special sanction of the Deputy Commission. Moreover, if any Assamese was found selling or subletting his land to the immigrants within such block his *patta* should be cancelled and that immigrant should be evicted at once. The Land Record Staff should be held responsible for bringing to the notice of the Deputy Commissioner all such transfer and possession. Further, the dividing line between Assamese and immigrants once fixed should not be altered in future and should be maintained at all costs.³⁵

In the opinion of Assistant Director of Land Records those lands which had been already cleared and cultivated by the immigrants, in that case the old settlements should be cancelled and the new *pattas* should be issued in the names of the actual occupants.³⁶

On the other hand, the Assamese people resented such proposal as infringement of their rights to transfer land. Though the policy of eviction was not yet a hard and fast one, W.L.Scott, Director of Land Records, strongly advocated the idea of prohibition of transfer to non-Assamese. But to him, the idea dividing villages in blocks was useless.

33. ASF Rev-A, September 1926 Nos-1-22

34. *Ibid*

35. *Ibid*

36. *Ibid*

He also added that the non-Assamese might be kept out of Assamese blocks so long as *pattas* remain annual but there would be constant demand to convert them into periodic and as soon as this was done, the Assamese would sell.³⁷

The Government officials through their notes had reacted regarding the matter of transfer in their own way but considered that certain legislation was necessary if any useful restriction was to be imposed and enforced.

J.E Webster, Secretary to the Governor considered that the note of the Assistant Director of Land Records gave rise to very important question which would need careful examination. Therefore he called for opinion of Commissioner of Assam on that question.³⁸

In a separate note dated 2nd September, 1924 G.E.Soames, Second Secretary to the Government of Assam stated that so long squatting system was recognized in Assam it would be difficult to enforce any prohibition on immigration from occupying lands. He apprehended that any eviction by force might lead to serious troubles.³⁹J.E.Webster wrote in 5th September, 1924 that prohibition of immigration was impossible but the Government would consider any means of controlling the settlement of immigrants on lands to prevent the Assamese being molested and ousted.⁴⁰

These views of Webster were supported by all Government members as well as the Governor Sir J.H Kerr. The Commissioner of Assam valley admitted that the problem of transfer was not as acute in Darrang as was in Nowgong and Barpeta. According to him, in Nowgong all the proposals of Assistant Director of Land records had already been adopted and in Barpeta the Sub Divisional Officer was giving his attention to the subject.⁴¹It appears from the note of colonial officials that the Government was considering the proposal for insertion of a clause in the form of period

37. *Ibid.*p.22

38. M.Kar. *op.cit.*, p.22

39. A.S.F Rev-A September,1926 Nos-1-22

40. *Ibid.*p.7

41. *Ibid*

patta for restricting the right of transfer of land. The Legal Remembrance found no objection to the modification of all new periodic *pattas*.⁴²

W.G.Reid, meanwhile, stated that if anything was to be done to prohibit the immigration or transfer of lands to the immigrants, then it must be done by legislation. For which, he thought that the responsibility would rest with the Council and unless the Council was prepared to give effective powers then there was no use in legislating at all.⁴³ He also stated that if the council allowed calling any residence domicile for residing in the province for ten years, then the matter might be settled in ten years with well-defined blocks for both Assamese and settled immigrants.⁴⁴

The Governor, Sir John H Kerr in his note dated 27th October, 1924 mentioned that he had some experience of similar problems in Sonthal Parganas and Chota Nagpur, where special measures had been taken to restrict the aboriginal population from selling their land to foreigners. He was of the view that the only effective remedy to such problem was to give the district authorities power to evict illegal transferees and nothing short of that would stop transfers.⁴⁵

From the statement of the Governor of Assam it appears that it was not an easy task to implement such plan as the executive officers might face vigorous opposition while evicting the illegal transferees. Therefore, the main question which Government had to decide that how far such evil was great in Assam to justify any action in that direction, even if the Council gave consent to that.⁴⁶

This was perhaps the first ever expression of fear of public opinions in respect of a Government action. Thus the Governor like the Revenue member was not sure of

42. M.Kar.*op.cit.*p.23

43. A.S.F Rev-A.September,1926 Nos-1-22.p.10

44. *Ibid.*p.10

45. *Ibid*

46. *Ibid*

the further steps to be taken though the ineffectiveness of the existing system was admitted quite clearly.⁴⁷

Meanwhile it appears that the views of the Government members were sharply divided over the immigration issue and transfer of land. According to Kutub Uddin Ahmed, the immigrant could not be stopped. He suggested for some sort of powers to be given to the Executive officers by legislation to colonize the immigrants. He considered that such steps would not only protect the interest of the Assamese themselves but also to legalize the actions taken by the Government officers from time to time.⁴⁸ He also stated that the Government should take the initiative in that matter immediately because of evil of land grabbing for speculative purposes by both Assamese and old immigrants settlers.⁴⁹

On the other hand Ministers like Syed Muhammad Saadulla and Promod Chandra Dutta were opposed to the modifications of *pattas* and observed that any restrictive clause in the *patta* would be greeted with curses as encroachment on the liberty of the people.⁵⁰

From the note of A.W Botham dated 1st November, 1924 it is clear that no decision emerged from the Government meeting held on 31st October, 1924, regarding the question of the measures aimed to prevent the Assamese cultivators from being swamped by Mymensinghia immigrants. It was also not decided whether legislation should be undertaken to forbid the transfer of land to immigrants. Later, it was decided that members of the Government should discuss the matter in the course of their tour in the Assam valley and ascertain what was generally desired.⁵¹

47. M.Kar.*op.cit.*p.25

48. A.S.F Rev-A, September,1926 No-1-22

49. *Ibid*

50. M.Kar.*op.cit.*p.25

51. A.S.F Rev-A, September,1926 No-1-22.p.11

After the tour of Nowgong, in the early part of 1925 W.J.Reid stated that he heard the most divergent views among the public.⁵² M.Saadulla in his letter dated 6th February 1925 stated that one section of the people viewed the immigrants as criminals who must be removed bag and bagages, while the other section claimed them as savior of Nowgong. They said that before the coming of immigrants they suffered from floods, but since these immigrants settled on the land there had been no flood at all. There could be absolutely no doubt that these immigrants had added greatly to the prosperity of the district.⁵³

On the other hand, Kutub Uddin Ahmed observed that the tide of Assamese public opinion was very strong in favour of certain legislation. In order to restrict the encroachment of immigrants in the neighborhood of their settlement, the Assamese people thought the legislation necessary. Moreover, he was informed at Barpeta that a public meeting was arranged to approach Government for taking steps to protect the children of the soil as the question of land grabbing had become acute in Barpeta sub-division also.⁵⁴

Thus public opinion differed from place to place. In the meantime, H.C Burnes, Revenue member, in his note, dated 26th May,1925 observed that if the periodic *patta* was not to be altered in the restricted areas, then the question might arise whether it was fair to continue issuing annual *pattas* for permanent cultivation, for the prevention of transfer. He further wrote that if the Government were going to restrict the right of transfer, and confine Mymensinghias to certain areas, then the Government must provide the necessary legal basis for such orders.⁵⁵

S. N. Mackenzie, Commissioner, Assam Valley Division, was confused regarding the immigration policy of the Government. He did not consider such executive orders wise and beneficial which was intended to check the flow of immigration and the

52. *Ibid*

53. *Ibid*

54. *Ibid*

55. *Ibid*.p.12

method of settlement of land with the immigrants in Assam. Moreover, he was not in favor of any measures which were intended to make any alteration in the form of periodic *pattas*.⁵⁶ It seemed illogical to Mackenzie that immigrants should be issued only annual *pattas* which he thought would deprive the immigrants from having the right enjoyed by an Assamese. He admitted that the immigrants had undoubtedly developed the country, which might have been done by the Assamese years ago if they had possessed the same initiative and industry like that of immigrants. Personally Mackenzie was in favor of a policy of non-interference with a view to forcing an issue. But he considered that if the question was acute then there should be a demand of legislation.⁵⁷

Mackenzie was informed by H.C Barnes that the policy of the Government was not to restrict immigration from Mymensingh. But when the Assamese and Bengali element required control, Government preferred to intervene and apply methods of control.⁵⁸

In the meantime, the demand for settlement of lands by immigrants increased as they completed their settlement in Juria, Laokhoa, Khatowal, Dihing and Geruabokoni *mauza*. In these *mauzas* only 25,920 bighas remained for them but the average annual demand by them for new land was approximate 33,500 Bighas. Therefore, H.C.Barnes wrote to the Governor on 4th August 1925 that the Government had to decide whether to continue the existing policy of settlement of land with immigrants in Nowgong, or open the whole district to them.⁵⁹

Meanwhile, J.H. Kerr, the Governor was himself doubtful that the Government could get such legislation through the Council while admitting that the transfer of periodic *pattas* could not be prevented without legislation. He also apprehended of public reaction which would not be unanimous in that issue. So, Kerr in a note dated 7th

56. *Ibid.*p.13

57. *Ibid.*

58. *Ibid*

59. *Ibid.*.p.14

August, 1925 declared that the Government was not prepared to initiate new policy at present regarding the land settlement with Mymensinghia immigrants.⁶⁰

Accordingly, G.T.Lloyd, officiating Second Secretary to the Government of Assam communicated with the Commissioner, Assam Valley about the declaration on the subject of settlement of land with Mymensinghia immigrants.⁶¹ According to which, in Nowgong district no further settlement was to be made available for settlement of the Eastern Bengal immigrants without the approval of the Government. When the areas for immigrants would be filled up, new immigrants might be allowed to settle in the north bank of the Brahmaputra.

Secondly, the Government was not at present ready to initiate legislation to prevent the transfer of periodic lease to the immigrants. It was also instructed not to prohibit immigrants from obtaining settlement of wastelands outside the areas reserved for the Assamese. If the inhabitants of Assam were desirous for legal prohibition of transfer of land to immigrants, then they had to take initiative through their representatives in the Council.

Thirdly, in areas reserved for Assamese those immigrants who had already obtained periodic leases either from the Deputy Commissioner or by purchase could not be evicted.

But if the immigrants under annual lease made an effort to obtain land by squatting on it, the Deputy Commissioner had the right to refuse for renew leases and if necessary to eject the person under his jurisdiction. In such cases the discretion remained with the local officers and no instructions were necessary. If the immigrants encroach on grazing reserves, it was under Deputy Commissioner's duty to evict.⁶²

These instructions were forwarded to the Director of Land Records Assam for information and guidance of the settlement staff. Thus with these line of actions the

60. A.S.F Rev-A, September, 1926 No-1-22.p.14

61. *Ibid*.p.16

62. *Ibid*

Government accorded sanction to the Line System in Revenue Department under letter No.2132,R,the 14th August,1925. Henceforth it became a government policy in place of mere executive orders.⁶³

However, it did not settle the matter of transfer and purchase of land which continued to engage official attention. While inspecting the problem of land classification in opening the large areas for jute classification by the immigrants, W.L. Scott, Director of Land Records, Assam visited Nowgong in the early part of 1926. He expressed his satisfaction that the Line System was generally successful there. Though he admitted that some mistakes occurred by the land record staff in demarcating the line of division. He noticed that in some villages the line of division between the two communities was very close marked. But which was of more concern to him was the value of land. In his report he mentioned that the value of land was Rs.100 per Bigha in immigrant villages while it was only Rs.10 per Bigha in Assamese villages. Therefore, he apprehended that as soon as the annual *patta* be converted into periodic under the rules, immigrants would buy the lands by offering tempting prices. So he considered that the only way to protect the indigenous people by providing them only annual *patta* and the restriction on transfer, while the immigrants should be given periodic⁶⁴.

But from the same sources it appears that the Colonial Government was not interested to initiate any legislation by themselves at that direction. H.C Burnes, Commissioner, Assam Valley Division, in his notes dated 5th March, 1926 criticized the Government policy for doing nothing to safeguard the interest of the indigenous people. He, therefore, put forward a suggestion for immediate its solution involving both the Assamese people and the Government. According to which, all the inhabitants of a village must agree to surrender their rights of transfer of lands by a deed of agreement for a particular period and at the same time must agree not to introduce any immigrants into their village as tenant or resident labour. The Government in their turn must take

63. M.Kar.*op.cit.*p.28

64. A.S.F Rev-A December,1926 Nos-94-130.p.2

steps to exclude Mymensinghians and other foreigners from settlement in that village and further guarantee to evict any trespassers if necessary.⁶⁵

Mr. Burnes also put forward another scheme, according to which there must be two parties to every agreement. One party would be the patted and the other party, the Secretary of State for India in Council. The patted had to give undertaking not to transfer or sublet his land. In return, the Secretary of State for India in Council would undertake to exclude Mymensinghians and other foreigners from settlement or residence in *pattadars* village, using force if necessary. But the Legal Remembrancer, Assam B.N Rau thought that the undertaking and contract suggestion of Burnes would be invalid under section 23 of the Indian Penal Code without legislation.

But all these suggestions seemed to be no effect to the Government. The Second Secretary to the Government of Assam, G. T. Lloyd, in his letter on 27th April, 1926 informed the Commissioner, Assam that the Government considered such action would not be possible unless the executive authorities were vested by legislation with special powers which they did not possess at present. Lloyd was of opinion that the restriction of these kinds lessened the value of land and it would arouse opposition both among Assamese and the immigrants. In other provinces such legislation had been undertaken only in response of strong public opinion but in Assam no such manifestation was witnessed by the Government so far. Therefore, the Governor in Council was not entirely satisfied to justify any legislation to be passed and enforced in that direction.⁶⁶

Meanwhile, over the subject of control of the settlement of Mymensinghia immigrants in Nowgong and Kamrup, W.L.Scott, Director of Land Records, Assam was of opinion that the problem of intrusion was not acute in both the places. According to him, there were two different kind of soil generally used for rice cultivation and jute cultivation in Assam. The Assamese people preferred to cultivate rice and other

65. *Ibid*

66. *Ibid*.p.4

homesteads in their villages in fairly heavy clay lands; on the other the immigrant's preferred sandier soil of the chapories (*char*) or riverine belt for jute cultivation. Moreover Scott was informed by Sub-Deputy Collector that the immigrants had never intruded in the established Assamese villages, the soil of which was not attractive to the immigrants. But the problem started when the immigrants had chosen land in the chapories to settle for jute cultivation. As a result the pressure began to rise on few Assamese settlements there which were the only available source of bamboos. According to Scott, in the chapori areas where the land was mainly under annual lease the Government could protect the Assamese cultivators as land under annual lease was not transferable under law. Therefore, he suggested that immigrants might be issued periodic lease while refusing the same to Assamese. On the other hand the immigrants should not be allowed to hold land under annual lease bought from Assamese cultivators. He considered such steps would be sufficient and might be approved by the Council in protecting indigenous cultivators. In his opinion legislation might be avoided for a few years.⁶⁷

But H.C Burnes, Commissioner did not accept the interpretation of B.N Rau or W.L.Scott and insisted on his own interpretation of things and scheme.⁶⁸

At this juncture Government proposed to hold informal conferences at Shillong on 12th July with a view to ascertain public opinion for legislation to prevent alienation of land to immigrants. But the idea of the conference had to be abandoned for lack of response from the non-official quarters of the district.⁶⁹

In 1926, A.W.Botham, Revenue member, Assam Executive Council was of opinion that the Government should not attach much importance to the comparatively small extent to which *pattas* had hitherto been transferred by Assamese to Mymensinghias. According to him so far the Mymensinghias had taken those lands

67. *Ibid.*p.5

68. M.Kar.*op.cit.*p.29

69. A.S.F Rev-A December,1926 Nos-94-130

which were most suitable for jute cultivation and left unoccupied by the Assamese. Botham considered that the stream of immigration was desirable.⁷⁰

From the note of Botham of 27th July, 1926 it is clear that the Deputy Commissioners were instructed to continue the existing policy of controlling new settlements with Mymensinghias immigrants either by lines within villages or by the exclusion of them from whole *mauzas* of villages depending upon the circumstances of the particular localities. Moreover, in those areas where new settlements were allowed only with the Assamese, no steps should be taken hurriedly for converting annual *pattas* into periodic *pattas*. The annual *pattas* which were purchased by Mymensinghias immigrants should be declared cancelled.⁷¹

J. Hazlett, Commissioner, Assam Valley also shared the same view like Botham over the subject of preventing the transfer of periodic *pattas* to immigrants. According to him the area transferred to immigrants was much less than expected, which was about seventeen thousand bighas only. The biggest area transferred was in Goalpara but considering that the immigrants had been settling in that district for the last fifteen years, the area was not so large. The areas transferred in Kamrup and Darrang were insignificant and in Nowgong the area transferred was only four thousand five hundred bighas.⁷² Hazlett submitted the following statement of such transfers to the Government.

70. A.S.F Rev-A December, 1926 Nos-94-130, p.8

71. *Ibid.* p.9

72. *Ibid.* p.12

Table 3.1: Transfer of periodic *pattas* to immigrants

Districts	No and areas of periodic <i>pattas</i> transferred	
	No. of <i>patta</i>	Area
1	2	3
Goalpara	367	10,266 bighas
Kamrup	65	834 bighas
Darrang	209	1,403 bighas
Nowgong	688	4,507 bighas
Total	1,329	17,010 bighas

Source: A.S.F Rev-A December, 1926 Nos-94-130

In 1926, H.M.Prichard, Deputy Commissioner, Nowgong mentioned in his note that till then immigrants had taken up unoccupied and fluctuating areas and had hardly encroached any land settled by the Assamese. He was of the opinion that the immigrants were to welcome into the waste places of the district and to regulate them in right direction. Prichard forwarded the following statement in connection to the expansion of immigration in the settled area of Nowgong District (annual and periodic) during the last five years.⁷³

Table 3.2: Expansion of immigration in Nowgong District (1921 – 1926)

Year	Area in bighas held by Mymensinghias	Area in bighas held by immigrants from other Bengal districts	Percentage of total settled areas
1	2	3	4
1921-22	140.163	4,199	13.31%
1922-23	171.669	4,825	15.23%
1923-24	190.834	6,082	16.20%
1924-25	217.231	6,637	17.49%
1925-26	255.086	7,136	18.86%

Source: A.S.F Rev-A December, 1926 Nos-94-130

On the other hand, the Assamese middle class tried to draw the attention of the Government on the issue from the perspective of Assamese interest. It is evident from

73. *Ibid*

the letter of Rai Bahadur Krishna Charan Choudhury of Gauhati to the Deputy Commissioner of Kamrup dated 8th June, 1926. It appears that the Assamese people were very much concern over the availability of culturable wasteland which were decreasing regularly due to immigrations. On the one hand the indigenous people were shifting to other places due to bad harvest and with a view to open up waste lands or Pam cultivation. On the other hand the Mymensinghia immigrants were paying fabulous price for even worst kinds of land thus creating a temptation among the local people to transfer lands to them only. Under the circumstances the indigenous people in near future would be sort of available lands in their own district. Moreover, the transfer of lands to immigrants would be in long run proving suicidal to their interest. Therefore, the Assamese people considered it necessary for some sort of legislation to check transfer of land to the immigrants.⁷⁴

However, J.A. Dawson, Deputy Commissioner of Darrang did not consider that any clause could be inserted in the existing periodic *patta*. In his report in July, 1926 he clearly mentioned that under section 9 of the Assam Land and Revenue Regulation, a landowner and owner of a periodic *patta* had a permanent, heritable and transferable right of use and occupancy of the land, though to restrict the transfer of land to non-agriculturist, a clause was inserted in the *pattas* issued after 1919. According to Dawson the land of a permanent *patta* belongs to a *pattadar* and not to the Government at least so long he fulfilled the condition of the lease. Therefore, if the object of a restrictive clause was to keep away the immigrants as undesirable neighbor then it could not be achieved as the *pattadar* had the full right to sell them whom they please.⁷⁵

Being failed to reach any solution, the Government called for a conference, which was held at Government House in Shillong on 20th and 21st April, 1928 under the chairmanship of Governor Sir I. H. Hammond. It was attended by 1) Mr. Botham 2) Mr. Laine 3) Mr. Bentinck 4) Mr. Mackenzie 5) Mr. Scott 6) Mr. Rau 7) Mr. Prichard, 8)

74. *Ibid.* p.18

75. *Ibid.* p.22

Mr.Gimson 9)Mr.Gunning 10) Mr.Desai 11) Mr.Patton 12) Rai Bahdur D. K. Mukherjee.

In the conference so called Assamese-Mymensinghia lines were considered successful in Nowgong but it failed in some parts of Kamrup. It was decided in the Conference that the number of lines should be reduced as far as possible. It should be simplified and straightened with the object of allotting considerable blocks of land to each community. It was also decided that the *pattas* in an area where line existed should be kept annual in case of the Assamese and other indigenous races so as to prevent them from transferring their land.⁷⁶

On the question of protection of Kacharies and other backward races it was decided that in some Kachari areas new *pattas* containing a clause prohibiting transfer without the sanction of the Deputy Commissioner should be given in place of old *pattas*.⁷⁷

It was also considered that a colonisation area as proposed by A.G. Patton, Deputy Commissioner Nowgong might be opened as an experimental basis and the settlement within it would be made on application only and on payment of a premium per bigha. The *pattas* would be at first given out of annual terms but when the land had been cultivated and properly surveyed, periodic *pattas* would follow in due course. It was decided that in order to prevent speculation in land under new lease a clause might be included in *patta*, forbidding separation of land without the consent of the Deputy Commissioner.⁷⁸

Further in the Conference the interpretation of the term immigrant remained unchanged which was earlier placed upon the term in Nowgong which included *Sylhetis*

76. A.S.F Rev-A September,1929 Nos 218-257

77. *Ibid*

78. *Ibid*

and other all persons coming from Bengal and the United Provinces, but excluded ex-tea garden labourers.⁷⁹

Botham said in the Conference that the income realized from the premium would enable the Government to give local boards grants for initial expenditure on roads, water supply in immigrant areas, which was very much needed.⁸⁰

The last question discussed was the utility of clause 7 which was added to the periodic *patta* in 1919 and forbade transfer to a person who was not a professional cultivator without the sanction of the Deputy Commissioner. Rai Bahdur D.K. Mukherjee pointed out that the main trouble was not the actual transfer but the mortgage which the Kaya (Marwari merchant) took on the cultivator's crops and clause did not affect the latter. Finally it was decided that it was unworkable and better be omitted.⁸¹

On 20th September, 1929 a conference of official and un-official members of the Council under the Chairmanship of A.W Botham, Member, Finance and Revenue formally endorsed the general policy of the Colonization Scheme for immigrants in Nowgong, Mangaldai and Barpeta on payment of premium at the rate of Rupees twenty five per bigha. The Conference was attended by 1) A.W Botham 2) Sir Saiyid Muhammed Saadulla 3) W.L. Scott 4) H.M Prichard 5) C.Gimson 6) Nabin Chandra Bordoloi 7) Kameswar Das 8) Bishnu Charan Bora 9) Maulavi Keramat Ali.⁸²

H.M Prichard, then Secretary to the Government of Assam, Revenue Department by an official letter dated 23rd January, 1929 announced certain rules under the Colonization Scheme which the Governor in Council had passed under Rule 33 under the Assam Land Revenue Regulations.⁸³ According to which, no settlement

79. *Ibid*

80. *Ibid*

81. *Ibid*.p.3

82. *Ibid*.p.13

83. *Ibid*.p.20

would be granted except on application made to the Colonisation Officer who would personally allot lands to the applicants.

Secondly, a premium of Rs.25 per bigha would be charged of which Rs. 2 would be payable on allotment of land, Rs.3 when the first annual *patta* would be issued, and Rs.20 when the periodic *pattas* would be issued. The areas allotted would be normally 30 bighas to each family.

Thirdly, no land revenue would be charged in the first three years. In the fourth year land revenue would be charged on the whole area allotted and annual *patta* would be issued. Transfer of *pattas* would not be recognized except that if a *pattadar* died, then the *patta* would ordinarily be granted to their heirs.

Fourthly, a condition of settlement would be that the *pattadar* must had to reside in the block in which he was allotted land.

Fifthly, in the fifth year resettlement operations would be taken up. Period *pattas* would be issued in the sixth year for all lands which had been cleared, cultivated and demarcated in accordance with the Colonisation Officers orders.

Sixthly the Colonisation Officer would have the powers of an Assistant Settlement Officer and would be under the orders of the Settlement Officer. C. Gimson was made the Settlement officer in Nowgong Colonization Scheme.

Therefore, since the introduction of the 'Line System', the attempt to relieve pressure of population on land in the immigrant areas led to the introduction of Colonisation Scheme in 1929. About 28,000 bighas of waste land in 29 villages of Bokoni and Lahorighat in the Nowgong district were included in the scheme. Another area of about 25000 bighas in sixteen cadastral and non-cadastral villages was also brought under the Scheme. All these areas were earlier considered not suitable for cultivation by the indigenous people. More than one thousand families were settled in

nearly 16000 bighas of land and a total premium of rupees 32250 was collected by the end of June, 1930.⁸⁴

A similar scheme was also put into operation in Mangaldai and Barpeta Sub-Division. In Mangaldai, a Special Colonisation Officer was in charge of 62 villages exclusively occupied by immigrants. The premium was levied at a flat rate of rupees ten. About 24000 bighas were reportedly allotted to the immigrants but half of which was considered unattractive to the immigrants. In Barpeta, on the other hand, the immigrants were so poor that it was found impossible to get the premium and the scheme had to be abandoned in 1932.⁸⁵

In 1935 the premium of Rupees twenty five had to be reduced to rupees ten under compulsions of general economic depression. Thus the Colonisation scheme in Nowgong and Mangaldai succeeded well but the Barpathar Scheme failed to achieve much and consequently it was to be abandoned during Saadullah's Government.⁸⁶

Thus the initial policy of the Colonial Government was to tackle the immigrant problem through indulgence and executive authority. But the attempt failed because of the dimension it assumed due to cross currents of Assamese interests. With the development of public feelings regarding land settlement which the Colonial Government did not consider strong enough, left the question to be dealt with by the popular representatives. The Line System and the Colonisation Scheme, the only steps taken by the colonial Government to solve the problem but it failed and only perpetuated it by the gradual induction of communal, racial and political question into it.⁸⁷

It appears from various sources that immediately after establishment of the Provincial autonomy in Assam under the Government of India Act of 1935, various steps which had been taken earlier by Colonial Government for administrative reasons

84. N.Dhar *Line System in Assam (1871 – 1951)*, World View Publication, 2005, .p.145

85. *Ibid.* p.146

86. M.kar. *op.cit.* p.30

87. *Ibid.* p.31

began to be measures by communal and political standards. The Line system was interpreted as being an unfair and perhaps illegal method of control and the eviction which were an inevitable part of it were subjected to criticism. It resulted into the appointment of an Enquiry Committee by the first Saadulla Ministry which came into power after the election of 1937. The Committee submitted a report with a general conclusion to support the policy of evictions and also recommend a reform of the Line System.

Apart from the Colonization Scheme, another plan was introduced after 1937 to appease all the needy persons including immigrants. The Government decided to start a Development Scheme in as many areas as possible where large blocks of uncultivable lands for settlement were available.⁸⁸ It was decided that in these areas after reserving 30 percent for the expansion of the existing population all squatting would be prohibited and smaller blocks would be created and allotted for settlement of all communities who were in need of land. It included the indigenous Assamese both Hindus and Muslims, tribal people and immigrants.⁸⁹

In course of time this problem became all together political especially with the emergence of Muslims League as strong political party in Assam. The Government resolution issued in June 1940 put a ban on settlement of waste lands with any immigrants, who had entered Assam after 1 January, 1938. It also decided to go ahead with the Development scheme. In the development areas a premium at the rate of ten rupees per bigha would be levied on all settlers. Of that rupees two would be payable at the time of allotment and the balance within next five years in equal installments. The settlers would enjoy the existing exemption from land revenue for the first two years.⁹⁰

The Government also agreed that the whole of the money thus realized would be spent for provisions of amenities and improvement of the areas concerned. At the end of five years when in the existing colonization area lands would be usually regarded

88. Nripen Dhar, *op.cit.* .p.147

89. *Ibid*

90. A.S.F RD 23/43

as fit for the issue of periodic *pattas*, the opinion of settlers would be assessed. If 75 percent of them wanted periodic *pattas* these would be issued to all. Otherwise *pattas* would remain annual without any right of transfer. Besides, the Development scheme would be started as early as possible and until it was fully in operation, the restrictions would remain in force. In cases of the tribals and scheduled castes, restrictions would not cease on the allotment of land but would continue so long as the Government deemed necessary for the protection of their interests.⁹¹

91. Nripen Dhar.*op.cit.*p.148