

## **INNER LINE REGULATIONS FOR GARO HILLS**

### **DURING BRITISH RULE**

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The unrestricted intercourse which existed between the British subjects in the plains and the tribes living across the frontiers frequently led to quarrels and sometimes to serious disturbances. This was especially the case in connection with the traffic in wood, wax, ivory, cotton and other jungle products, of which, there was great competition. In order to prevent such recurrences, the Government felt it necessary to prohibit British subjects living in the plains from going beyond a certain line, laid down for the purpose without a Pass or Licence.

Thus the Inner Line Regulations known as the "Bengal Eastern Frontier Regulation I of 1873", was the first law promulgated in Assam for the peace and Government of certain districts on the Eastern Frontier of Bengal. The Preamble declared the Provisions of Act XXXIII, Vict., Cap. 3, Section I, to be applicable to the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Garo Hills, Khasi & Jaintia Hills, Naga Hills, Cachar and Chittagong Hills. The Lieutenant-Governor of Bengal also proposed to the Governor-General-in-Council a draft of the Inner Line Regulations, together with the reasons, for the peace and government of the above named districts, and the same has been approved of by the Governor-General-in-Council and received the assent of the Governor-General. It came into force on the 1st November, 1873.

Section 2 of the Regulation states that the local government has the power to alter the Inner Line in any of the districts mentioned above. The local government also may prohibit all British subjects or any person residing or passing through such districts

from going beyond certain line without a Pass and it may also cancel or vary such prohibitions.

Section 3 states that if any person so prohibited goes beyond such line without a pass, he shall be liable to a fine not exceeding Rs.100/- for the first offence, and to a fine not exceeding Rs.500/-, or to a simple or rigorous imprisonment for a term not exceeding three months or both, for each subsequent offence.

Section 4 empowered the State Government to issue a form of Pass for each district, putting such restrictions or conditions and may prescribe the rate of fees for such passes, as it deems fit.

Section 5 states that any wood, wax, ivory, rubber or any other jungle products found in the possession of any person without permit, may be confiscated to the government.

Section 6 provides that the Deputy Commissioner or any other Officer authorised by him shall arrest and bring before him, if he finds any person prohibited violating the rules by crossing the inner line prescribed for such district, and when asked to produce his Pass shall refuse or be unable to do so.

Section 7 says that it shall not be lawful for any British subject, not being native of the district, to acquire any interest in land or the product of land beyond the Inner Line without sanction of the local government.

Section 8 prohibits the killing or capturing of wild elephants without a licence, and if any one is found guilty of killing or capturing wild elephant shall be liable to a fine not exceeding Rs.200/- for every such elephant and the killed or captured elephant shall be confiscated to the government. But if a person kills or captures, or attempts to kill

or capture or abets the killing of elephant in protection of himself, his house or his crops, shall not be liable to punishment or fine, but he shall surrender the animal to the government.

Section 9 authorised the local government to make rules for the issue of licences to kill or capture wild elephants.

And Section 10 of the Regulation provides that the Offences of this Regulation may be tried by the Magistrate of the 1st or 2nd Class and shall be bailable.

However, the Chief Commissioner in his letter No. 178, dated Shillong, 3rd June 1873, to the Secretary to the Governor-General of India (Foreign Department), expressed his unwillingness to apply the Inner Line Regulations strictly in the Garo Hills district on the following grounds:

Firstly, the Inner Line in the Garo Hills will protect a country and a people already wholly subject to British authority from the incursions of the inhabitants of certain Regulation districts. In other districts, like the Naga Hills, it will protect a country and a people only partially under the influence of British authority from the incursions of the inhabitants of the Non-Regulation district of Sibsagar. In Lakhimpur district, it will protect wholly independent tribes from contact with the tribes settled within the district.

Secondly, since there is so much peaceful trade in wood, wax, rubber, ivory, cotton and other jungle products between the plains and the hills, it would hamper if every trader has to take out a Pass.

Thirdly, the boundaries of the Garo Hills district have been defined, though they have not yet been demarcated. So, the Government of India may

make the district boundaries the Inner Line though they have not yet been demarcated on the ground.

Fourthly, certain rights of property in the Garo Hills district are claimed by some Zamindars who holds lands in the plains adjoining the district. These claims will have to be adjusted along with the declaration of Inner Line in the Garo Hills.

Fifthly, the discovery of Coal in the Garo Hills may also cause complications in the settlement of compensation with the zamindars.

Lastly, in 1873, the district was still under organization as much of it was only two years ago a quasi-independent state. The Chief Commissioner would wish to complete the organisation first but it would not come into force in the district until the Inner Line is declared.

In view of the above, the Chief Commissioner would not like to apply the Regulations strictly in the Garo Hills. The Chief Commissioner also would not like all persons who cross the line to take out passes as it would seriously restrict the active trade which went on between the Garo Hills and the adjoining districts. The Chief Commissioner would only require the following classes of persons to take out passes: The elephant catchers and their attendants, the wood cutters, traders in arms and ammunitions, and collectors of wax, rubber, ivory and other jungle products, and the inoculators. The list of classes of persons who would be required to take out passes before entering the district may be added as occasion may necessitate. The Deputy Commissioner was empowered to grant passes and the fee of four annas was charged for every pass.<sup>3</sup>

In reply, the Secretary to the Government of India (Foreign Department) in letter No. 185 R, dated Fort William, the 3rd August, 1874, observed that

the object and scope of the Inner Line Regulations has been misunderstood by the Chief Commissioner. He clarified that the purpose of the Regulations was to prevent complications arising with the -savage tribes beyond the British frontiers by Speculators going among them recklessly and buying up land in exposed positions, and cheating the tribes out of their forest produce. The idea was that the line to be drawn was essentially a frontier line. It was not intended that a circular line should be drawn in the interior of British territory, so as to cut off the territory so enclosed from free communications with neighbouring districts. As a matter of policy, it would not be expedient to fence round a section of the British territory in the centre of Assam within the restriction of an Inner Line.

The Chief Commissioner, in his reply letter No. 126, dated Shillong, the 1st September 1874, to the Secretary to the Government of India (Foreign Department), agreed that the Garos are still savage, unable to protect themselves against unprincipled speculators and land-grabbers. Therefore, he desires that the Garos may be treated as a savage tribe beyond British frontiers at least for a short time longer. And the restrictions imposed by the Regulations may be applied to the Garo Hills for a period of five years. But if in a short time, it should become possible or advisable to remove its restrictions, the Chief Commissioner will avail himself of the earliest opportunity of removing it.

In reply to the Chief Commissioner's letter, the Officiating Secretary to the Government of India (Foreign Department), in letter No. 194 J, dated Fort William, the 19th October, 1874, stated that the Viceroy and the Governor General-in-Council does not question the need of some regulations for the internal government of the Garo Hills district, but instead of applying a Regulation which was not framed for that particular situation, it would be preferable to frame

a separate Regulation for the Garo Hills district. The Government of India will be prepared to consider a draft of such a Regulation when submitted.

The Chief Commissioner, in his letter No. 566, dated Shillong, the 19th February 1875, to the Government of India (Foreign Department), stated that in view of the murderous propensity of the Garos, the Inner Line may be introduced in the Garo Hills temporarily in a modified form.

The Secretary to the Government of India (Foreign Department), in his reply letter No. 957 P, dated Fort William, the 23rd March 1875, to the Chief Commissioner of Assam, agreed that on account of the murderous propensity of the Garos, the Government of India would consider any draft Regulation that the Chief Commissioner may submit. Accordingly, the Chief Commissioner in his letter No. 2021, dated Shillong, the 12th June 1875, forwarded a copy of the draft Regulation, for the peace and Government of the Garo Hills in place of Regulation I of 1873. This Regulation may be known as the Regulation II of 1875. The Assistant Secretary to the Government of India (Foreign Department), in his letter No. 5 J, dated Fort William, the 11th January 1876, to the Chief Commissioner of Assam, requested him to resubmit with the suggestions that (i) the Regulation should contain provisions that it will be in operation for a period of five years, (ii) the date of approval by the Government of India be mentioned, and (iii) the title should be changed to "The Garo Hills Regulation, 1876".

The Chief Commissioner in his letter No. 249, dated Shillong, the 19th January 1876, resubmitted the draft incorporating all the suggestions made by the Government of India.

## Regulation I of 1876<sup>12</sup>

The preamble states that the Regulation I of 1873 is repealed in the Garo Hills district, and a new Regulation has been enacted known as the "The Garo Hills Regulation, 1876". It extends only to the Garo Hills district and comes into operation on the 1st April 1876, till 31st March 1881, but is extendable for further period.

Section 3 of the Regulation empowered the Chief Commissioner to prohibit all persons not being natives of the district, from cutting wood, hunting animals, trading in arms and ammunitions, collecting wax, ivory, rubber, cotton and other jungle products, and practising inoculations for smallpox, and regulate the granting of licences to do such acts.

Section 4 provides that any holder of a licence who does in contravention of a Notification, shall be punished for the first time with a fine of Rs.100/- and for each subsequent offence with imprisonment for three months or with a fine not exceeding Rs. 500/- or both. The Magistrate may confiscate all jungle products found in his possession collected without a licence.

Section 5 provides that it shall not be lawful for any British subject or other persons not natives of the district to acquire any interests in land or the product of land within the district without the sanction of the Chief Commissioner or the Deputy Commissioner. The Chief Commissioner may from time to time extend the prohibition of land acquisition or cancel or vary such extension.

Section 6 provides that whoever kills or captures or attempts to kill or capture or abets the killing or capturing of elephants without the permission of an Officer shall be liable to a fine not

exceeding Rs. 200/- for each elephant, and the elephant killed or captured shall be confiscated to the government. But if any person does so, in protection of himself, his house or his crops, shall not be liable to any punishment but the elephant shall be surrendered to the Government.

Section 7 authorised the Chief Commissioner to make rules from time to time for the issue of licences to kill or capture elephants.

Section 8 provides that the trials for every offence punishable under this Regulation shall be commenced within 6 calendar months after the offence is committed.

Section 9 provides that the Provisions of 64 to 70 of the Indian Penal Code shall apply to all fines imposed under this Regulation.

The Chief Commissioner of Assam in his letter No. 548, dated Shillong, the 1st June 1877, to the Government of India (Foreign Department), pointed out that the D.C., Garo Hills district has been granting licences for cutting wood, trading in arms and ammunitions, collecting wax, rubber, ivory and other jungle products and the Government will have to issue formal Notification only to legalise D.C's action. It was also notified that persons desiring to obtain licences for any of the above purposes should apply to the D.C., Garo Hills which may be granted on payment of a fee of Rs. 2/- for each licence, subject to <sup>13</sup>the conditions and restrictions specified thereon. The Government of India in its letter No. 1544, dated Simla, the 29th June 1877, to the Chief Commissioner of Assam, empowered the Chief Commissioner to prescribe Forms for the licences and grant them as he thinks suitable. <sup>14</sup>The Chief Commissioner, in turn, in his letter No. 1834, dated Shillong, the 18th July 1877, to the D.C., Garo Hills district,

requested him to forward for the approval of the Chief Commissioner, Forms of Licences to be granted by him.<sup>15</sup>

In 1881, the Chief Commissioner in letter No. 51T, dated Calcutta, the 25th February 1881, to the Government of India (Foreign Department), informed that the operation of the Regulation I of 1876 will cease on the 31st March 1881, unless it is extended for further periods.<sup>16</sup> The Government of India (Foreign Department), in its letter No. 238J.P., dated Fort William, the 14th March 1881, to the Chief Commissioner of Assam, replied that the operation of the Regulation I of 1876 has been extended until 31st March 1882.<sup>17</sup> On receipt of this letter, the Chief Commissioner in his reply letter No. 137 T., dated Shillong, the 6th June 1882, to the Government of India (Foreign Department), commented that the cutting of timbers and collecting of wax, rubber, ivory and other jungle products may be dealt with under Forest Act, 1878. Hunting of animals can be dealt with under combined Forest and Arms Acts. Trading in arms and ammunitions was already regulated by the Arms Act which extends to the whole of British India. Practicing of inoculation may be controlled by extending the Act XXIV of 1868, an Act prohibiting inoculation in the Kumaon and Garhwal regions. With regard to the remaining Section 5 of the Garo Hills Regulation, 1876, which prohibits outsiders from acquiring any interest in land or in the product of land, the Chief Commissioner opined that this Section should be retained. He argued that the Garos are not yet sufficiently advanced to make it probable that they would, if exposed to the ingenuity of speculators from the plains, be safe from fraud and deception, and embarrassing complications might easily arise, causing danger to the public peace, if the restriction of this section is removed. Therefore, this section should still find a place in the next Regulation. A new Regulation was drafted by the Chief Commissioner on this line which

was forwarded for approval of the Governor-General-in-Council and the assent of the Viceroy.<sup>18</sup> The Chief Commissioner in his letter No. 368, dated Shillong, the 3rd March 1882, urged upon the Government of India (Foreign Department), to examine the draft Regulation submitted by him earlier and to enact a new Regulation so as to enable him to control the acquisition of rights in land by persons who do not inhabit the hill tracts before it expires on the 31st march 1882.<sup>19</sup> After examining the draft Regulation submitted by the Chief Commissioner, the Government of India drafted a new Regulation called "The Garo Hills Regulation, 1882".

Section 2 of this Regulation prohibited all persons not natives of the district from cutting wood, hunting animals, collecting rubber, wax, ivory or other jungle products without a licence. It also laid down rules for the granting of licences to do the above mentioned acts.

Section 3 prescribed penalties for offences against Section 2 which was the same as the Regulation I of 1876.

Section 4 declared it unlawful for any British subject or other persons not natives of the district of Garo Hills, to acquire any interest in land or the products of land within the district, without the sanction of the Chief Commissioner or the D.C.

Section 5 provides that the provisions of the Sections 64 to 70 of the Indian Penal Code shall apply to all fines imposed under the authority of this Regulation. Section 6 empowered any Officer authorised by the Chief Commissioner to execute the provisions of this Regulation.<sup>20</sup> And the Chief Commissioner authorised the D.C., Garo Hills district to administer<sup>21</sup> in respect of offences against this Regulation.

Under the power vested in him by Section 2 of the Regulation, 1882, the Chief Commissioner also prohibited all persons not natives of the Garo Hills district, from cutting timbers, hunting animals, collecting wax, rubber, ivory or other jungle products without a licence. These licences could be procured on application to the Mauzadars, Nokmas, respectable shopkeepers and others, to whom, licence books<sup>22</sup> may be committed by the Forest Officer for sale. This system continued throughout the rest of the British rule.

From the above, it may be concluded that the Regulation I of 1873 which then applied to most parts of North-East India, could not be enforced in the Garo Hills district without drawing an Inner Line which the Government of India was unwilling to allow. In its place, the Regulation I of 1876 was passed for the Garo Hills district alone, reproducing such of the provisions of the Regulation of 1873, prohibiting persons not natives of the Garo Hills from doing without a licence certain acts which were likely to produce complications with the Garos. It enabled the grant of licences to do these acts to be controlled by the Chief Commissioner attach penalties to the breach of their conditions. It had also prohibited outsiders from acquiring lands or the product of land without the sanction of the Chief Commissioner or the D.C.

The D.C., Garo Hills district, as the Executive head of the district, had the authority to grant permission to settlers from the plains, to occupy lands, and this permission was freely availed of by the plainmen in all portions of the district. In fact, no obstacle to the progress of colonisation or to the opening out of the district to business enterprises was offered by the Regulations. The whole administration was left to the D.C., whose leniency and moral loopholes were taken advantage of by the land-grabbers and business speculators. The sale

of licences were left to the irresponsible Agencies who cared more for their personal gains rather than implementing it in the spirit of the Regulations. Thus, practically, the Inner Line Regulations or any of its sections were not implemented properly in the Garo Hills district throughout the British rule.

#### Notes & References

1. Edward Gait, *A History of Assam*, 1969, pp. 386-387; Also Milton S. Sangma, *History & Culture of the Garos*, pp.39-40.
2. *The Calcutta Gazette*, August, 1873.
3. *Foreign Proceedings*, June 1874, No. 10(A).
4. *Foreign Proceedings*, September 1874, No. 21(A).
5. *Foreign Proceedings*, September 1874, No. 22(A).
6. *Foreign Proceedings*, November 1874, No. 5(A).
7. *Foreign Proceedings*, June 1875, No. 1(A).
8. *Foreign Proceedings*, June 1875, No. 2(A).
9. *Foreign Proceedings*, July 1875, No. 23(A).
10. *Foreign Proceedings*, 11th January 1876, No. 1(A).
11. *Foreign Proceedings*, 19th January 1876, No. 2(A).
12. *The Gazette of India*, March 1876.
13. *Foreign Proceedings*, June 1877, No. 4(A).
14. *Foreign Proceedings*, July 1877, No. 25(A).
15. *Foreign Proceedings*, July 1877, No. 25½(A).
16. *Foreign Proceedings*, May 1881, No. 20(A).
17. *Foreign Proceedings*, May 1881, No. 21(A).
18. *Foreign Proceedings*, April 1882, No. 1(A).
19. *Foreign Proceedings*, April 1882, No. 2(A).
20. *The Gazette of India*, July 22, 1882; Also *Assam Gazette*, August, 1882.

21. The Government of India (Judicial Department), No. 67, August, 1882.
22. The Government of India (Judicial Department), No. 80, October, 1883.