

## **Trading License as Part of Tribal and Non-Tribal Conflict - A Historical Perspective**

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In this paper an attempt will be made to study the problems facing by tribal and non-tribal people relating to trading license issue. The study attempts to highlight the incidence that took place during 1992 on matters arising out of issuing of trading license to non-tribal people in the Greater Shillong area.

In pursuance of paragraph 10 of the Sixth Schedule to the constitution of India the District Council of an Autonomous District is empowered to make regulations for the control of money-lending and trading by non-tribals within the district by persons other than scheduled tribes resident in the district. The main purpose of the trading license according to the said act is to protect the economic rights and interest of the tribal people.

As per the United Khasi-Jaintia Hills District (trading by non-tribals) Regulation 1954 as amended up-to-date passed by the United Khasi Jaintia Hills District Council in 1954 defined "trades" as any trade or business for profit and includes exchange of goods and services for other goods or money which shall include trade as barber, shoe-maker or repairer, furniture-maker, automobile maker or repairer including dealer in spare parts or tubes or tyres and including also any other similar vocations excluding, however, any service under the Government, Union or State, and the term 'trader' and 'trading' shall be construed accordingly.<sup>1</sup>

Further, license as per the regulation means a license issued under the regulation and the rules made thereunder and the word 'license' shall be construed accordingly.<sup>2</sup> Trading license, therefore, is a license which a non-tribal has to acquire from the District Council in order to carry out traders extending according to the rules and regulations for the whole of the Khasi Hills Autonomous district except the three European wards, viz. Police Bazar, Jail Road and Cantonment.<sup>3</sup> Every license granted under the regulation and the rules

shall be valid for a period of one year commencing from 1st April to 31st March of the succeeding year.<sup>4</sup>

Besides trading license, there are also *trading by Benami*. As per the regulation, Benami means the carrying on of any trade or business by a non-tribal in the name or on behalf of a tribal.<sup>5</sup>

Coming to the conflict and incidence that takes place in 1992 which arises out from the trading license issue the following points are being taken up for studying the said conflict; How it exists? Why it exists and what are the main causes behind this conflict? Are these causes real, magnifying or exaggerated and the role played by the District Council in the above mentioned conflict.

Relating to trading license between the tribal and non-tribal conflict various social organizations of the Greater Shillong area took active interest in the said conflict.

From April 1992, the FKJGP started various agitational activities in the forms of public meetings, bandhs, road blockade, public curfew, etc. in fulfilment of their demands relating to trading license.

On 5th August, 1992, the Syiem of Myllem and public representatives of the Khasi Hills Autonomous District Council conducted a joint checking with regard to trading licenses at Iewdh. The District administration provided security for this purpose. On this particular day at about 12.30 p.m. a group of FKJGP supporters proceeded towards Iewduh and interrupted the process of checking the trading license. As a result, the joint verification which was undertaken had to be stopped.<sup>6</sup>

The following day, i.e. on 6th August 1992, around five hundred people gathered at Malki ground in response to a call for a rally by the Khasi Student Union (K.S.U). Thereafter, the people proceeded towards Meghalaya Secretariat ignoring the prohibitory order under section 144 Cr.P.C. shouting various slogans. They were, however, stopped in front of the State Central Library, Shillong. The Police arrested about 100 persons for violation of prohibitory order and the rest dispersed on their own. The agitators demanded the removal of Mr. Roblin Nongkynrih, the Executive Member of the

Khasi Hills Autonomous District Council dealing with trading licenses for not cancelling the trading licenses issued to the non-tribals traders.<sup>7</sup>

Simultaneously, on 12 August, 1992, the Shillong Municipality authority in presence of some FKJGP representatives started eviction of hawkers from the side of G.S. road at Umsohsun without taking any police help. During the process of eviction, two non-tribal traders were injured.<sup>8</sup> On the same day at about 2 p.m., the FKJGP held a meeting at Motphran. During the meeting a rumour spread that a Khasi lady was assaulted by the police. On hearing this, a mob of three hundred to four hundred persons started pelting stones at a police party. In the meantime two persons belonging to non-tribal community were set on fire by the violent mob, Police resorted to lathi charge and fired some blank rounds to disperse the mob; thirteen persons were arrested. Altogether, thirty persons including ten police men received injuries. The District Administration promulgated an order under section 144 Cr.P.C. prohibiting assembly of five or more persons.<sup>9</sup>

On 13th August, 1992, at about 10.30 a.m. a ground of hundred persons belonging to KSU and FKJGP assembled at Khasi National Dorbar Hall and from there they took out a procession to Meghalaya Secretariat ignoring prohibitory orders. When the processionists tried to break the police gordon at a distance of about a hundred metres from the Khasi National Dorbar Hall the police resorted to lathi charge and used tear gas to disperse the mob. On that day cases of stabbing, assaulting people belonging to non-tribal group and also arson in different localities of Shillong were reported.<sup>10</sup>

Meantime, the KSU called for a twelve hour bandh in protest against the alleged excesses committed by police and other security personnel on 12th August, 1992.<sup>11</sup> Meanwhile, the FKJGP sought permission from the District Administration to hold a rally at Malki on 24th August, 1992, and then to take out a procession to Meghalaya Secretariat. The district administration allowed them to hold a rally but did not permit to take out a procession. Accordingly, a rally was held at Malki ground by FKJGP and thereafter about two hundred persons took out a procession to Meghalaya Civil Secretariat defying the prohibitory order in force. The police arrested the President of FKJGP and three other persons and dispersed the assembly.<sup>12</sup>

However, the FKJGP organized a road blockade from 5 a.m of October 5th to 5 a.m of October 7th, significantly these were days of Durga Puja. October 4th was excluded because it was Sunday. Before the economic blockade could materialise two leaders of the FKJGP called off the road blockade programme.<sup>13</sup>

The celebration of Durga Puja on the 4th October 1992, went off peacefully. While the Puja festival were still going on, a petrol bomb was thrown insider a running taxi at Hopkinson Raod on 5th October where eight persons including ladies were in the taxi. One of the ladies succumbed to her injuries. On the same day at about 4 p.m two persons belonging to non-tribal community were burnt to death<sup>14</sup> at Mawlai when they were coming from Guwahati in a Maruti Gypsy.

It may be mentioned here, that since indepenece there has been substantial increase in the tribal population of the State and with the spread of education the number of educated unemployed has gone up. Even those youths who do not have any higher education were after some salaried jobs. Most of them have become averse to manual labour they do not want to go for agriculture, horticulture or any other work involving manual labour. There has also been some exodus of the rural tribal people from villages to the town particularly to Shillong seeking avenues of employment. Practically there has been no industrial development in the state for whatever reason it may be. Had there been growth of industry some of the unemployed youth could have been observed. In view of such position in the employment market, the attention of the younger generation has naturally turned towards business more particularly to Iewduh (Bara Bazar) where the number of non-tribals is quite significant.

One of the causes that led to the conflict was because of economic disparity between tribals and non-tribals. The common fear psychosis among the tribal people lest one day they will be overwhelmed or swamped by non-tribal people, and lack of communication between the two groups. Moreover, Reservation Policy of state services for the local tribal population is also another factor that led to the conflict between the two groups. Here, we can see that while the provision of the constitution provides some benefits to the tribals of the one hand, it kills initiative because it makes them constantly dependent on the government. The causes of the rising of the youth

against the Trading License by the District Council is due to a) the rampant grant of the trading licence by the District Council which has affected the local entrepreneurs, (b) granting of license by the District Council without verifying the antecedents of the applicant, (c) the 'trade in Benami'

On examining, it is found that the causes over the conflict between the two groups are genuine but at time exaggerated. It is the exaggeration of the causes that leads to violence.

Here, again, when the demands were raised and not immediately fulfilled and when these are pressed by the pressure groups in the current of political movement, it takes up the shape of an issue that is not resolved. To such extent, it seems magnifying.

It may be noted, however, that the District Council has not fully implemented the Regulation Act of 1954. One of the 'trade' which it has issued license for were the shops around Iewduh area. But even then, no proper checking of the trading license has been done before 1987 because of the lack of machinery to carry out the operation. According to the District Council it was only after a case filed by the Bara Bazar Traders Associations against the District Council, that the Act came into enforcement after 1987. The verdict on this case declares that all the Municipality area in Greater Shillong area except the 3 European wards will be under the control of the District Council and all the traders need a trading license.

The District Council, therefore, appoints the Enforcement Staff to check the trading license of the non-tribal people in the shops inside Bara Bazar or Iewduh. This 'enforcement' started operating from 1987 onwards with only a few members but at present, the strength of the 'enforcement' has expanded with a figure of two hundred members.

The Khasi Hills District Council has also formulated a plan of action to identify the genuine non-tribal traders of Iewduh and has sought the active co-operation of the Syiem of Myllem, Myliem Syiemship and his durar in this regard.<sup>15</sup>

As pointed out by the officers dealing with Trading license, we found that the District Council is going to issue trading license to all traders as defined in the United Khasi-Jaintia Hills District (Trading

by Non-tribals) Rules, 1959, and as amended up-to-date.

While analysing the conflict over tribal and non-tribal people it may be pointed out that the District Council in issuing trading licenses creates tension which arose to conflict and affected the social harmony in the society as a whole.

### *Notes and References*

1. The United Khasi-Jaintia Hills District (trading by non-tribals) Regulation 1954 (as amended) A Booklet published by the Khasi Hills Autonomous District Council, Shillong, 1992, p.2.
2. *Ibid.*, p.2
3. *Ibid.*, p.2
4. *Ibid.*, p.2
5. *Ibid.*, p.2
6. Sarma Commission of Enquiry of the Disturbances at Shillong in 1992, Inquiry Report 1995, p.3.
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *The Shillong Times*, dt. 2.6.92 (North-East Clippings)